

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-13942-1999 (O&M)
Date of decision: 26.04.2017**

Manohar Lal

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Ms. Rajni Bala, Advocate for
Mr. R. K. Arora, Advocate for the petitioner
Mr. R. S. Pathania, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner retired as Hindi Teacher while working at Government high School, Hardo Jhande, Tehsil Batala, District Gurdaspur on attaining the age of superannuation on 28.2.1998. According to the petitioner, retiral benefits paid as under:-

- | | | |
|------|--|---|
| i) | <i>Pension
w.e.f. 3/98
to 4/99</i> | <i>Amounting to Rs.63,426/- was
released on 12.4.1999</i> |
| ii) | <i>Commutation
of Pension</i> | <i>Amounting to Rs.1,93,301/-
received on 15.4.1999</i> |
| iii) | <i>Gratuity</i> | <i>Amounting to Rs.1,22,827/-
received on 12.5.1999</i> |

Therefore, he claims interest on the said delayed payment.

In the reply, respondents have taken a stand that the pension case of the retiring employee is to be processed eight months before his retirement. He was required to submit certain documents. Incomplete

papers were submitted on 3.12.1997. Complete case was sent to the office of the Accountant General, Punjab on 10.9.1998, resulting into late receipt of sanction on 11.2.1999.

I have heard learned counsel for both the parties and have also carefully perused the record.

In the reply, it is not stated as to which documents were not submitted by the petitioner. It is merely stated that incomplete case was submitted by the petitioner. Therefore, without any specific plea, it cannot be said that the petitioner did not submit any necessary documents. Petitioner was to retire on 28.2.1998. Even after retirement the respondents have three months time to process the case and to make the payment. Since delay has not been properly explained, therefore, the petitioner is entitled to interest @ 9% per annum starting three months from the date of retirement till the date of actual payment of pension, commuted pension and gratuity, as noted above.

Petition is allowed to the above noted extent.

26.04.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No