IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10915 of 2013 (O/M)
Date of decision : 9.2.2017

Devinder Kaur .... Petitioner (s)

Versus

State of Punjab and others .... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sudhir Nar, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, Additional Advocate General, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner, who was working as a Principal in Government Senior Secondary School, Sandhara, District Hoshiarpur, served a three months' notice on 28.11.2011, as per Rule 3 (1) of the Punjab Civil Service (Premature Retirement) Rules, 1975, seeking premature retirement. The said notice of three months' expired on 29.2.2012. The petitioner stood relieved. It comes out that ultimately the sanction for grant of premature retirement was granted on 31.5.2012 by the competent authority. The pensionary benefits were released as under :-

“Sr. No.	Description	Amount	Date of Payment
1.	Death cum gratuity	679833/-	5.1.2013
2.	Leave encashment	271933/-	5.1.2013
3.	Group insurance scheme	24408/-	5.1.2013
4.	General Provident Fund	2216047/- (This includes the interest upto July, 2012)	5.1.2013
5.	Commutation of pension	623487/-	15.1.2013
6.	Pension + Arrears	263204/-	15.1.2013”

Now, the claim of the petitioner is for interest on the delayed payments of pensionary benefits.

In the reply, respondents have stated that the petitioner had not completed the necessary formalities/documents upto 28.11.2011. She did not submit necessary documents like option for pay fixation, pension papers etc., which were submitted on 23.8.2012. Thereafter, the pension case of the petitioner was forwarded to the office of Accountant General, Punjab, Chandigarh on 19.10.2012, which was sanctioned on 21.11.2012. Hence, the payments were made in January, 2013. It was also claimed in the written statement that the petitioner herself was the Drawing and Disbursing Officer and the delay was because of her inaction.

I have heard the learned counsels for the parties and have also carefully gone through the file.

So far as the DCRG, leave encashment, Group Insurance and General Provident Fund are concerned, no paper formalities were required to be done. There is no ground to release the said payments after little more than ten months. In case of GPF, the interest has been paid upto July, 2012 and the same is required to be paid upto the date of payment. Now, only two heads are left i.e. commutation of pension plus arrears, which were released on 15.1.2013. When the petitioner stood retired on 28.11.2011, it was the duty of the department to issue option form to the petitioner and also get the pension papers filled in. For that purpose, three months' time is given to the employer, as per the instructions of the Government. Therefore, the said papers must have been completed till 31.5.2012. In these circumstances, interest at the rate of 9% per annum from 31.5.2012 till the date of payment on all the retiral benefits is allowed minus the interest already paid on the GPF.

The present writ petition is allowed to the abovenoted extent.

(KULDIP SINGH)
JUDGE

9.2.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No