

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11659-2014 (O&M)
Date of decision: 17.03.2017

Khazan Singh and others
.....Petitioners
versus
The State of Punjab and another
.....Respondents

CORAM: Hon’ble Mr.Justice Kuldip Singh

Present: Mr.P.L.Verma, Advocate for the petitioners
Mr.Nikhil Chopra, Addl.A.G. 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 nos.1 to 3, who retired as Executive Engineer, Sub Divisional Engineer and Junior Engineer on 31.5.2000, 31.3.1999 and 31.3.2007 respectively, sought a writ of mandamus for releasing the regular pension, gratuity commuted value of pension along with interest. The additional affidavit filed by the respondents shows that two inquiries were pending against the petitioners dated 16.3.1999 and 16.5.1997, which were dropped on 20.3.2014 and 30.12.2015 respectively. Now, the payments have been released as under:-

DETAIL OF RETIRAL BEENFITS OF PETITIONER NO.1

Sr. No.	Detail	Amount	Voucher No./Bill No.	Date of Payment	Remarks
1	Gratuity	Rs.3,07,188/-	92/2.8.16	Treasury Officer Kapurthala	Bills sent to the treasury concerned for payment
2	Leave Encashment	Rs.2,19,420/-	20/14.5.14	Released on 1.8.14	Paid vide voucher no.2 dated 1.8.14

<i>Sr. No.</i>	<i>Detail</i>	<i>Amount</i>	<i>Voucher No./Bill No.</i>	<i>Date of Payment</i>	<i>Remarks</i>
3	<i>GPF</i>	<i>Rs.1,27,054/-</i>	<i>-</i>	<i>Released on 2.6.2000</i>	<i>Paid vide letter No.3359-62 dated 1.6.2000</i>

DETAIL OF RETIRAL BEENFITS OF PETITIONER NO.2

<i>Sr.No.</i>	<i>Detail</i>	<i>Amount</i>	<i>Voucher No./Bill No.</i>	<i>Date of Payment</i>	<i>Remarks</i>
1	<i>Gratuity</i>	<i>Rs.2,46,543/-</i>	<i>127/2.11.16</i>	<i>Yet to be pay by Treasury Officer Jalandhar</i>	<i>Bill sent to the treasury concerned for payment</i>
2	<i>Leave Encashment</i>	<i>Rs.1,49,430/-</i>	<i>48/6.9.16</i>	<i>Released</i>	<i>Paid voucher No.48 dt. 6.9.2016</i>
3	<i>GPF</i>	<i>Rs.3,13,800/-</i>	<i>-</i>	<i>Released on 23.4.1999</i>	<i>Vide letter No.1665-68 dated 23.4.99</i>

DETAIL OF RETIRAL BEENFITS OF PETITIONER NO.3

<i>Sr.No.</i>	<i>Detail</i>	<i>Amount</i>	<i>Voucher No./Bill No.</i>	<i>Date of Payment</i>	<i>Remarks</i>
1	<i>LPR</i>	<i>Rs.2,36,910/-</i>	<i>159/2.1.08</i>	<i>Released</i>	<i>Paid</i>
2	<i>Revised LPR</i>	<i>Rs.74,730/-</i>	<i>109/8.12.12</i>	<i>Released</i>	<i>Paid</i>
3	<i>GPF</i>	<i>Rs.1,36,593/-</i>	<i>63/15.5.09</i>	<i>Released</i>	<i>Paid</i>
4	<i>GPF</i>	<i>Rs.1,65,823/-</i>	<i>97/9.9.11</i>	<i>Released</i>	<i>Paid</i>
5	<i>Revised GPF</i>	<i>Rs.74,397/-</i>	<i>444/10.7.13</i>	<i>Released</i>	<i>Paid</i>
6	<i>DCRG</i>	<i>Rs.5,14,206/-</i>	<i>Bill No.128 dated 1.11.2016</i>	<i>Yet to release by treasury officer Hoshiarpur</i>	<i>Bill sent to the treasury for transferring the payment in his account.</i>

During the pendency of the inquiry, only gratuity and leave encashment could be withheld. However, GPF could not be withheld. GPF

in this case has been released to the to all the petitioners within time.

So far as payment of leave encashment and gratuity is concerned, these were required to be released within three months from the date the last charge sheet was dropped on 30.12.2015. Therefore, for the delayed payment beyond three months, petitioners are entitled to interest @ 9% per annum on the delayed payment of gratuity and leave encashment.

Petition is accordingly disposed of.

17.03.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No