

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

Sr. No.223

Civil Writ Petition No.15002 of 2016
DECIDED ON: October 23, 2017

NASIB SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Sharma, Advocate, for the petitioner.

Ms. Jasleen Kaur Sidhu, Assistant Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to pay interest @ 18% on delayed payments of retiral benefits and further seeking direction to take appropriate action against respondents No.4 & 5 who put him in trouble by imposing false charge-sheets in which he has been exonerated.

2. Undoubtedly, petitioner stood retired on December 31, 2010 on attaining the age of superannuation and the payments of GIS, GPF, Leave Encashment were made on March 07, 2011, April 21, 2011 and March 13, 2012 respectively. Similarly, DCRG was also paid on January 16, 2013

Civil Writ Petition No.15002 of 2016

whereas commuted pension was disbursed to the petitioner on October 30, 2012. However, another amount of DCRG to the tune of Rs.4,47,091/- was paid on March 12, 2015.

3. Concededly, petitioner has been facing two different departmental inquiries which culminated in his exoneration in the month of August, 2014. The amounts on account of GIS, GPF, Leave Encashment, Commuted Pension and a part of DCRG were released much prior to the culmination of the aforesaid disciplinary proceedings and during the pendency thereof. However, only DCRG amounting to Rs.4,47,091/- was paid after thereof i.e. on March 12, 2015. After the culmination of the inquiry proceedings, the amount of gratuity i.e. DCRG was supposed to be paid immediately thereafter. At the most, it can be said that department could have utilized one month's time for completion of procedural formalities. Thus, after the expiry of period of one month from the date of culmination of the aforesaid inquiry proceedings i.e. August 20, 2014, petitioner shall be entitled interest @ 9% till the date of actual payment of a sum of Rs.4,47,091/- i.e. on March 12, 2015. The amount shall be calculated and paid by the respondents positively within a period of one month from the date of receipt of a certified copy of this order. The other prayer for initiation of action against respondents No.4 & 5 is declined as there is no substance in the allegations unfolded qua them which otherwise appears to be the result of ill-will or differences.

October 23, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**