

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

**CWP No. 1959 OF 2015  
DECIDED ON: DECEMBER 05, 2017**

**HARBANS SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. B.D. Sharma, Advocate  
for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab.

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**JASPAL SINGH, J (ORAL)**

Through instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of certiorari for setting aside the order dated 21.11.2014 (Annexure P-6) passed by respondent No.3 whereby the claim of the petitioner has illegally been dismissed. Further for directing the respondents to release the salary for the period from 01.03.2010 to 31.03.2010 as well as grant of interest @ 24% per annum on account of delayed payment.

2. Concededly, the retiral benefits i.e. gratuity, pension, pay fixation, GP fund and leave encashment have already been paid. As per the case set up by the petitioner, the amount granted by respondent on account of DCRG, pension, pay fixation and arrears has been made after a great delay, which is attributable

to the respondents. The petitioner retired from service on attaining the age of superannuation on 28.02.2010. However, subsequent thereto, he worked for another one month on the basis of extension granted by the respondents as per govt. instructions letter No.9/1/2010-2PP2/572 dated 27.01.2010, which were subsequently quashed by this Court vide order dated 29.03.2010 passed in CWP No.2247 of 2010 and extension of service so granted stood withdrawn automatically. Further, at the time of his retirement, neither any departmental inquiry nor any judicial proceedings against the petitioner were pending. Thus, the respondents were obliged to release the benefits accrued on account of retirement of the petitioner, at the most, within a period of three months from the date of his retirement, which has not been done in the instant case. Rather, there is delay of more than one year in releasing the aforesaid benefits. The non-payment of the retiral benefits within the aforesaid stipulated period of three months, the petitioner stands deprived of the utilization of the amount and for which he deserves to be compensated by grant of interest. Accordingly, the respondents are directed to calculate the interest @ 9% per annum after three months of the retirement of the petitioner till actual payment and disburse to the petitioner within a period of two months from the date of receipt of certified copy of this order.

3. As far as the payment of salary for the month of March 2010 is concerned, it is an undisputed fact that petitioner performed his duty and served the respondents. Simply on the ground that instructions letter No.9/1/2010-2PP2/572 dated 27.01.2010 issued by Government has subsequently been quashed by this Court, the petitioner cannot be deprived from the salary

especially when he has performed duty for the said period. Accordingly, the respondents are directed to calculate the salary for the month of March 2010 and after deducting the amount paid on account of pension for the month of March 2010, be disbursed to the petitioner along with interest as stated above within the aforesaid stipulated period of two months.

DECEMBER 05, 2017  
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(JASPAL SINGH)  
JUDGE

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*                      *Yes/No*