

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23170 of 2015 (O&M)
Date of Decision: 01.05.2017

SANTOSH KUMAR *... Petitioner*
V/s.
STATE OF PUNJAB AND OTHERS *...Respondents*

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Hira, Advocate,
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab

KULDIP SINGH, J. (Oral)

The petitioner, who retired as Staff Nurse on 31.03.2015 from ESI Hospital, Jalandhar, has invoked the writ jurisdiction under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondents to release retiral benefits of the petitioner i.e. gratuity, leave encashment, provident fund etc. alongwith interest.

Learned counsel for the petitioner has informed this Court that during the pendency of the present petition, all the retiral benefits have been released, therefore, he confine his prayer for grant of interest on the delayed payment.

Following are the details of payment released to the petitioner as shown in the short affidavit filed by the respondents: -

<i>Sr. No.</i>	<i>Amount (In ₹)</i>	<i>Date of Deposit</i>	<i>Heads Under which payment has been made</i>
1.	5,76,380/-	23.02.2016	Leave encashment
2.	28,560/-	23.02.2016	Group Insurance Scheme
3.	21,29,467/-	23.02.2016	General Provident Fund
4.	8,06,932/-	23.02.2016	DCRG

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5.	3,54,264/-	02.04.2016	<i>Pension amount from April 2015 to March 2016</i>
Total	38,95,306/-		

It comes out that after retirement, petitioner has moved an application for extension in service which was declined by the respondents. Aggrieved by the said order, petitioner has moved to this Court by way of CWP No. 9429 of 2015 which was also disposed of by this Court vide order dated 10.08.2015 while observing that if the petitioner is found to be worked w.e.f. 01.04.2015 till 07.05.2015, then requisite financial benefits shall also be released to him for the said period.

Therefore, according to the respondents, the petitioner has submitted a request for release of retiral benefits only on 23.11.2015 and the same were released on 23.02.2016, however, only one set of payment was released on 02.04.2016.

Keeping in view of the fact that there is no unnecessary delay in releasing the retiral benefits of the petitioner after the request submitted by the petitioner i.e. on 23.11.2015, the petitioner is not entitled for any interest for the delayed payment.

In view of the above, the petition stands disposed of.

May 1, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned : ✓

Yes / No

Whether Reportable : ✓

Yes / No