

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CWP No.22531 of 2016 (O&M)  
Date of decision:13.09.2017

Balbir Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. B.S.Mittal, Advocate  
for the petitioner.

Mr. I.P.S.Doabia, Addl.A.G.Punjab  
for respondents No.1 to 3.

Mr. Aman Sharma, Advocate  
for respondent No.4.

**AJAY KUMAR MITTAL, J. (ORAL)**

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to release the Provident Fund, Gratuity, leave-encashment, arrears of pension from 01.05.2015 to 31.12.2015 and other due retiral benefits with interest @ 12% per annum.

2. In response to the notice having been issued, additional affidavit dated 20.04.2017 of Sh.Maninder Pal Singh, Executive Officer, Municipal Council Rampura Phul, District Bathinda on behalf of respondent No.4 (wrongly mentioned as respondent No.3) has been filed, wherein it has

been stated that the entire retiral dues have been paid to the petitioner. The details of the amounts released have been given in paras 8 and 9 of the affidavit which read thus:-

“8 That it is respectfully submitted here in compliance with the directions passed by this Hon'ble Court, the office of deponent has released the entire retiral dues of the petitioner as mentioned below:

| Sr. No. | Head of Payment              | Amount Due     | Amount Paid                                                                                                            | Remarks |
|---------|------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------|---------|
| 1       | Gratuity                     | Rs.6,86,169/-  | Rs.5,00,000/- paid vide cheque No.001279 dated 04.01.2017                                                              | NIL     |
| 2       | Leave Encashment             | Rs.4,10,163/-  | Rs.2,00,000/- paid vide cheque No.001343 dated 02.03.2017                                                              |         |
| 3       | GPF                          | Rs.1,66,424/-  | Rs.1,50,000/- paid vide cheque No.655106 dated 06.03.2017                                                              |         |
| 4       | Interest on delayed payments | Rs.16,570/-    | Rs.3,00,000/- paid vide cheque No.000327 dated 11.04.2017<br>Rs.1,29,326/- paid vide cheque No.031228 dated 19.04.2017 |         |
|         | Total                        | Rs.12,79,326/- | Rs.12,79,326/-                                                                                                         | NIL     |

9. That it is reiterated here that due to the financial crunch being faced by the office of the deponent, the entire retiral benefits to the petitioner have not been paid in time. However, it is pertinent to mention here that the entire retiral benefits alongwith interest @9% has been released to the petitioner by

*the deponent. The delay in releasing the aforesaid amount is neither intentional nor deliberate, however, the same has occurred due to circumstances beyond the control of the answering respondent.”*

3. In view of the above, it was stated by learned counsel for respondent No.4 that grievance of the petitioner has been redressed.

4. Accordingly, the writ petition has been rendered infructuous and the same is disposed of as such. However, liberty is granted to the petitioner to move an application for revival of the writ petition in case something survives therein.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(AMIT RAWAL)**  
**JUDGE**

**September 13, 2017**  
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No