

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

CWP No.3368 of 2013 (O&M)

Date of decision : May 01, 2017

Ramesh Kumar Verma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karan Jund Mullanpur, Advocate for the petitioner.
Mr. Nikhil Chopra, Addl. A.G., Punjab.
Mr. D.S. Patwalia, Sr. Advocate with
Mr. Kannan Malik, Advocate for respondent Nos.3 and 4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner restricts his claim to interest on the delayed payment of the retiral benefits.

Suffice to say that the petitioner retired from service as Deputy Manager (Accounts) on 31.10.2011. Earlier, the petitioner had approached this Court by way of filing CWP No.18697 of 2012, which was disposed of on 20.09.2012 (Annexure P-2) with a direction to pass a speaking order within three months regarding the claim made by the petitioner in his representation. Thereafter, on 06.12.2012 vide two cheques of State bank of India dated 06.12.2012, bearing Nos.“755140” and “755141” (Annexure P-3 and P-4), the said amount of ₹5,09,519/- was paid.

Learned counsel for respondent Nos.3 and 4 has argued that at the time of retirement of the petitioner, the inquiry was being contemplated.

However, no charge-sheet was issued. Therefore, the amount was release to

the petitioner.

On the other hand, learned counsel for the petitioner has produced the copy of no dues certificate dated 07.10.2011, vide which it was recorded that there are no dues against the petitioner and his gratuity and leave encashment were calculated.

After hearing learned counsel for the parties, I am of the view that in this case, the petitioner retired from service on 31.10.2011. At that time, no charge-sheet was issued to him nor the same was issued subsequently. The retiral dues as claimed in the present petition were not released. Therefore, the petitioner was forced to move this Court. This Court has directed the respondents to pass a speaking order. It was only thereafter that the payments were released.

In this way, the respondents, who should have released the said amount within three months from the date of retirement of the petitioner, used the amount of the petitioner till 06.12.2012.

It being so, the present petition is allowed to the extent that the petitioner shall be entitled to interest @ 9% per annum starting three months from the date of retirement till the date of actual payment.

Regarding the claim of interest on the arrears on the first and second installments on account of pay revision, the petitioner will be governed by the decision taken by this Court in LPA No.2048 of 2013, titled as ***“The General Manager, Verka Milk Plant v Om Parkash and others”***.

(KULDIP SINGH)
JUDGE

May 01, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No