

101
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26786 of 2014 (O/M)
Date of decision : 22.2.2017

Dr. R.P. Bhardwaj Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person with Mr. Himanshu Chhabra, Advocate,
for, Mr. Puneet Sharma, Advocate, for the petitioner.

Deputy Director of Public Instructions (Colleges), Punjab, in
person with Mr. Anshul Gupta, Assistant A.G. Punjab.

Mr. Amrit Paul, Advocate, for respondent No. 3.

Mr. Sameer Sachdeva, Advocate, for respondents No. 4 and 5.

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)

The learned State counsel, on instructions from the Deputy Director of Public Instructions (Colleges), Punjab, has informed the Court that the concerned Clerk has been chargesheeted for lapse on his part for keeping the service book of the petitioner with him. It is expected that the inquiry will be concluded within six months and the final order will be passed.

Regarding the arrears, the learned counsel for College has informed the Court that the Director of Public Instructions (Colleges), Punjab, has fixed the pay and removed the discrepancies and that a cheque of Rs. 1,38,169/-, which includes interest at the rate of 9% per annum, was

paid to the petitioner. The same has not been denied by the petitioner, who is present in Court today. It is stated that due to some discrepancy, another sum of Rs. 12,656/- was found to be due and the same has been brought in Court today in the shape of demand draft No. 841258, dated 20.2.2017, drawn at Indian Overseas Bank, Doabala College, Jalandhar, in favour of the petitioner and the same has been handed over to the petitioner, who is present in Court today. The photocopy of the said demand draft is taken on record. The petitioner has stated that he has been paid the interest on the arrears from 1.4.2013 and that the interest from the year 2008 to year 2013 has not been paid and interest on the revised gratuity has also not been paid.

The learned counsel for respondent-College, on the other hand, states that the interest has been released from 1.4.2013 i.e. the date from which the arrears were released to the entire colleges in the State of Punjab. Therefore, the college is not at fault for delay in release of the arrears.

It being so, the payment of interest from 1.4.2013 is justified in the given circumstances since the payment is to be released by the College only when reimbursement is received from the Government.

Now, coming to the interest on the revised gratuity, it comes out that the revised gratuity was payable from August 2010. The gratuity was revised from Rs. 3,50,000/- to Rs. 10,00,000/-, vide notification of the Government dated 13.8.2010. The endorsement shows that the Guru Nanak Devi University endorsed the same to its affiliated colleges on 19.12.2011. Thereafter, after the receipt of the same, the payment was required to be released within a reasonable time. Four weeks' time is considered to be reasonable time. Therefore, starting from 19.1.2012, 9% per annum interest on the enhanced gratuity shall be payable to the

petitioner till the date of payment qua the retired employees.

In view of the above, the present writ petition is disposed of.

(KULDIP SINGH)
JUDGE

22.2.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No