

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

**CWP-6795-2014
Date of Decision :01.03.2017**

SAMEER KAUSHAL

.....Petitioner

Versus

STATE OF PUNJAB AND ORS.

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajinder Sharma, Advocate
for the petitioner.

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

KULDIP SINGH, J. (ORAL)

Learned counsel for the petitioner states that during the pendency of the present petition all the retiral benefits have been released. However, his claim is for the interest on account of delayed payment of retiral benefits such as GIS, GPF, Leave Encashment, arrears of installments/pay provisional and provisional pension.

Heard.

From the written statement, it comes out that petitioner was chargesheeted by the respondent vide letter dated 12.10.2012 (Annexure P-1) on 30.08.2012. He was suspended and subsequently reinstated on 17.01.2013. He was allowed for voluntarily retirement with effect from 16.08.2013. It comes out that while the inquiry is still pending, Government is competent to withhold the payment of leave encashment and gratuity and only provisional pension can be allowed.

In this case GIS of ₹70,220/- was released on 05.03.2015, 30% arrears of 3rd installment of ₹1, 37,446/- were released on 21.05.2015, final payment of GPF amounting to ₹13,90,166/- was released on 07.05.2014,

arrears of payment for the period 14.02.2013 to 19.08.2013 amounting to ₹5,32,525/- were released on 01.12.2014 and arrears of provisional pension from 20.08.2013 to 28.02.2015 amounting to ₹75,130/- were released on 10.03.2015. Such payments were supposed to be released within three months of the date of retirement(i.e. From 16.08.2013) which means that all the payments are to be released till 16.11.2013 and the arrears of installment and arrears of pay are to be released within three months of the date when it become due.

It being so it is held that the petitioner is entitled to the interest at the rate of 9% per annum on the delayed payment of GIS, GPF, arrears of pay/provisional pension. However, such interest shall be payable on the 30% arrears of 3rd installment and arrears of pay from the date it become due.

The petition is allowed to the above noted extent.

(KULDIP SINGH)
JUDGE

March 01, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No