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

CWP No.998 of 2013 (O&M)
Date of decision : 10.01.2017

Sukhwinder Singh .... Petitioner

Versus

Punjab State Transmission Corp. Ltd. & ors. ...... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.D.Sharma, Advocate
for the petitioner.

Mr. Vishal Chaudhary, Advocate
for the respondents.

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KULDIP SINGH J. (ORAL)

Heard.

It is not disputed that service of the petitioner, who was working as work charge Driver, were regularized. In these circumstances, the driver is the Class III employee and was governed by the Service Regulations, 1972 of the Department of Punjab State Electricity Board Employees. Petitioner has produced the copy of such Rules (Annexure P-7) which shows that the Class III Board employees were to retire at the age of 58 years. Therefore, there is no error in the order of the respondent, retiring the petitioner on attaining the age of 58 years. So far as, the arrears are concerned, it is stated that all the arrears have been released. Now, the only question survives for consideration is for grant of interest on the delayed payment of gratuity and pension. The petitioner has retired from service on 31.01.2013, and the gratuity was released on 10.10.2016 and it was required to be released immediately after the retirement. Therefore, the petitioner shall be entitled interest at the rate of 9% per annum starting three months from the date of retirement till the date of actual payment of gratuity. Now, coming to the pension, the same has been released on 01.11.2016.

The plea of the respondent is that the pension papers were submitted late which resulted in delay in release of the pension. In the case of the employee, the process for pension is to start six months prior to the date of the retirement and the department is required to get the necessary documents completed from the employees. The fact that the petitioner approached this Court in the year 2013 goes to show that he was claiming the pension and was ready to submit the paper, if any. However, according to petitioner, he had submitted his fresh pension papers after the order dated 19.11.2015 passed by this Court.

In the circumstances and keeping in view the fact that the money of the petitioner has been used by the respondents, the petitioner is entitled to get the interest @ 9% per annum on the delayed payment of pension starting three months from the date of retirement till the date of actual payment.

Petition is accordingly, disposed of.

(KULDIP SINGH)
JUDGE

10th January, 2017
hemlata

Whether speaking / reasoned	Yes
Whether Reportable	No