

CM-807-LPA-2017 in/and
LPA-391-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-807-LPA-2017 in/and
LPA-391-2017 (O&M)
Date of Decision: March 15, 2017

State of Punjab and others

.....Appellants

Versus

Harjinder Kaur

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Rajesh Bhardwaj, Addl.AG, Punjab
for the appellants.

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SURYA KANT, J.

CM-807-LPA-2017

For the reasons mentioned in the application, the same is
allowed and delay of 178 days in filing the appeal is condoned.

CM stands disposed of.

LPA-391-2017

This Letters Patent Appeal is preferred by the State of Punjab
against the order dated 10.08.2016 whereby learned Single Judge has held
the respondent entitled to interest @ 9% per annum on the delayed payment
of GPF. The interest has been awarded starting three months from the date
of passing of the first order whereby Sub Inspector Avtar Singh was
dismissed from his service (since deceased).

[2] The facts are like this:-

[3] The husband of the first respondent joined Punjab Police as a Constable on 24.07.1975. He was in due course of time promoted as Sub Inspector in the year 1993. Therafter FIR No.24 dated 13.03.1998 was registered against him at Police Station City Mansa under Sections 7 & 13(2) of the prevention of Corruption Act, 1988 read with Sections 323 and 342 IPC. Upon his conviction by the Trial Court, Sub Inspector Avtar Singh was dismissed from service on 18.12.2006.

[4] There was yet another private criminal complaint filed against Avtar Singh in which he was convicted by the Additional Chief Judicial Magistrate, Faridkot on 27.11.2006.

[5] Meanwhile Sub Inspector Avtar Singh was reinstated on 18.05.2007 but he was again dismissed from service on 17.10.2007. Reasons for his reinstatement are not on record but his dismissal was a result of conviction(s) in criminal cases.

[6] In the criminal case arising out of FIR No.24 dated 13.03.1998, Sub Inspector Avtar Singh was acquitted by this Court vide judgment dated 27.08.2014. However, in the private criminal complaint case his conviction was upheld though the sentence was reduced to six months rigorous imprisonment, which he had already undergone.

[7] Avtar Singh died on 07.04.2012. His wife filed the writ petition seeking release of GPF, gratuity and arrears of leave encashment etc..

[8] Learned Single Judge has found that there was no justification for delayed payment of GPF which was liable to be paid even to a dismissed

Government employee, hence the interest @ 9% has been awarded. It may be mentioned that though the deceased employee was dismissed from service firstly on 18.12.2006 and again on 17.10.2007, but the GPF amount was paid to him vide cheque dated 31.01.2013. Since the GPF amount was his own saving of the deceased and could not have been with-held irrespective of the nature of charges levelled or established against him, we find no ground to interfere with the order passed by learned Single Judge in awarding interest on the delayed payment made to the wife of the deceased employee. On the same analogy she is also entitled to the interest on the delayed payment of arrears of leave encashment for the period starting from three months after expiry of second dismissal order dated 18.10.2007 till actual payment.

[9] Dismissed.

**(SURYA KANT)
JUDGE**

March 15, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |