

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

(314)

CWP-15580-1992 (O&M)

Decided on: February 07, 2018.

INDERPAL SINGH HANS

.... Petitioner

Versus

STATE OF PUNJAB & OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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

Ms. Deepali Puri, Additional Advocate General Punjab.

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By virtue of the instant petition, the petitioner has filed writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay the arrears of retirement benefit such as General Provident Fund and non-withdrawal bonus along with interest as prescribed in Rule 13.13 and 13.13A respectively of Punjab Civil Service Rules Vol. II and gratuity along with interest.

While considering the case of the petitioner on

November 26, 2014, the following orders was passed by this Court;

“Civil Misc. No.13384 of 2014:-

Application is allowed, as prayed for.

Counter affidavit to the additional affidavit filed by the Assistant Director (Funds), office of Director of Public Instructions (Colleges), Punjab, dated 28.11.2013, along with Annexures P-9 to P-11 is taken on record.

Main case

Learned counsel for the respondents submits that as per the affidavit filed on 28.11.2013, payments have been made to the petitioner on various dates given therein and interest has accordingly been calculated.

Learned counsel for the petitioner, on the other hand, submits that various payments were not actually released to the petitioner, though those may have been released to various accounts with the government itself, without actual disbursement to the petitioner.

Since the issue in this case eventually is only with regard to the calculation of interest to be paid to the petitioner, on delayed payment of retiral benefits, both learned counsel are ad idem that the matter can be referred to the Lok Adalat for settlement of the same. Consequently, the matter was referred to the Lok Adalat.

To be taken up before the Lok Adalat to be held on 06.12.2014, wherein it was decided.

It is expected that the respondents would act fairly on the issue, taking into account the actual dates on which the money was released to the petitioner”.

In compliance of the aforesaid orders, a clarification was sought by the respondents from the concerned authorities and ultimately, in pursuance of the aforesaid clarification, petitioner was advised to furnish an affidavit.

The question which now survives for determination is only with regard to the grant of interest on the balance amount of the arrears of dearness allowance for the period from July 1987 to

November 1987 and from June 1985 to May 1986. The para Nos. 3 and 4 of the affidavit, which was filed by Ms. Harleen Kaur Bedi, Deputy Director O/o Director Public Instructions (Colleges) Punjab, Chandigarh on dated 17.09.2015, are relevant for the disposal of the controversy in the instant case which are reproduced ut infra;

“3. That in compliance with the order dated 1.04.2015, an additional affidavit dated 5.5.2015 was filed on behalf of Respondents no.1 & 2. It had been submitted therein that clarification regarding payment of General Provident Fund had been sought from the Accountant General Punjab vide office letter dated 16.4.2015 (Annexure-R-1) and 30.04.2015 (Annexure-R-2) and that no response has been received.

4. That now the Accountant General Punjab Vide letter No.Fds/edu-Pb/15-16/254 dated 18th August 2015 (Copy Appended as annexure R-3) has sent the clarification on the basis of the same, the sanction for missing payment of arrears of the dearness allowance of Rs. 768/- for the period July, 1987 to November, 1987 and Rs. 4095/- for the period from June, 1985 to may,

1986. (Inadvertently typed as 6/86 to 5/85 in annexure R-3) has now been released along with interest accrued thereon till 31.07.2015 amounting to rupees 76998/- on 21.08.2015. A copy of the same is appended as annexure R-4".

A glance of the aforesaid paragraphs of the affidavit makes it crystal clear that as of now the amount held outstanding against the respondents stood paid on dated 21.08.2015, that too, along with interest accrued thereon till 31.07.2015. The copy of which is also available on record as Annexure P-4. In view of the fact that the aforesaid amount of ₹66819 stood already paid by the respondents to the petitioner, instant petition is rendered infructuous and stands disposed of accordingly.

However, if anything still survives, the petitioner shall be at liberty to approach this Court.

(JASPAL SINGH)
JUDGE

February 07, 2018.

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No