

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

**CWP No. 16021 of 2001 (O&M)
Date of decision : 14.03.2018**

Vijay Kumar Bansal

...petitioner

Vs.

Punjab State Coop. Supply and Marketing

...respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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

Mr. Jaswinder Singh, Sr. DAG, Punjab.

...

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, commanding the respondents to release all pensionary/retiral benefits in accordance with the Voluntary Retirement Scheme (for short VRS) issued by the respondent No.1 availed of by petitioner and duly accepted by respondents.

2. Concededly, the petitioner was working as Senior Assistant in the Punjab State Cooperative Supply and Marketing Federation Ltd. (for short Markfed) and sought VRS which stood accepted vide order dated 20.08.2001 w.e.f. 31.08.2001. Since the retirement benefits accrued on account of voluntary retirement of the petitioner were not disbursed to him, the petitioner has filed the present petition in this Court.

3. However, during the pendency of the instant petition, the

benefits stood released to him. The respondent No.1-Markfed has filed written statement containing preliminary submissions and the preliminary submissions is relevant for the disposal of the instant petition. It reads as under:-

“that the petitioner has approached this Hon'ble Court for the issuance of direction to the Respondents to release all pensionary/retiral benefits as envisaged in the Voluntary Retirement Scheme, with a further direction for grant of interest. It is respectfully submitted that the petitioner had applied for voluntary retirement in terms of the Voluntary Retirement Scheme as prepared by the Respondents from 31.08.2002. The petitioner was allowed to retire. However, the Voluntary Retirement Scheme only provides for payment of Ex-gratia compensation @ one and half time of the monthly wages per completed year of service or one month wages for the left over period of service to be multiplied by the remaining period of service whichever is less. In addition to the Ex-gratia payment, the employee who opts for Voluntary Retirement Scheme, is to be paid gratuity as per the Rules and encashment of unavailed earned leave, if any. Apart from this, there are no pensionary benefits available under the VRS or after superannuation on account of applicability of the Employees Provident Fund and Misc. Provisions Act, 1952 to the employees of the answering Respondent. The petitioner has since been released the Ex-gratia compensation, the amount of gratuity, and other payable dues after making deductions of the amount recoverable from him on account of House Building Advance, Conveyance Advance, etc. Thus, as the due amount has since been released on 26.2.2002, the writ petition has become infructuous and needs to be dismissed.”

4. A glance on the aforesaid preliminary submissions makes it crystal clear that the benefits accrued to the petitioner on account of voluntary retirement has since been disbursed in February-2002 as reflected in the written submissions. There are particular instructions issued by the Government of Punjab, instructions No.1/15/90IFPIII/4226 dated 10.05.1990 with regard to disbursement interest on delayed payments of retiral benefits in case of voluntary retirement, retiree is only entitled

to the interest after the expiry of 6 months from the date of retirement as per this Hon'ble Court judgment 'Balbir Singh Vs. State of Haryana' dated 1.12.2017. Thus, in the instant case, since the petitioner has been paid retiral dues within six months from the date voluntary retirement i.e. 31.08.2001, the petitioner is not entitled to interest.

5. Accordingly, the petition having become infructuous is disposed of. However, if petitioner still feels aggrieved by any of the order(s) passed by the concerned authority, he shall be at liberty to have recourse to the other remedies available under law.

14.03.2018

Harish Kumar

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No