

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1095-2017 (O&M)
Date of decision: - 03.12.2018

Ishwar Singh Chahal

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sushil Jain, Advocate,
for the applicant-petitioner.

Mr. Sunil K. Vashisht, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-7598-CWP-2017

Application is allowed, as prayed for. Copy of order and calculation sheet (Annexures P-8 and P-9), are taken on record, subject to all just exceptions.

CWP-1095-2017

In the present case, the claim which has been made by the petitioner is for the grant of interest on the delayed payments.

As per the averments made in the present petition, the petitioner was appointed as an Assistant Section Holder on 21.08.1975 and thereafter, he was promoted as Section Holder in the year 1979.

Thereafter, the petitioner went on deputation in the year 1982 to the

Haryana Harijan Kalyan Nigam as Manager. In the year 1985, the petitioner was reverted back to his parent department. After rendering 33 years of service, the petitioner retired on 29.02.2008.

Counsel for the petitioner states that after the retirement of the petitioner in the year 2008, the petitioner was not paid his retiral benefits and was also being paid only 60% of the provisional pension.

Aggrieved against this action, the petitioner filed CWP No.14739 of 2014 and the said writ petition was disposed of on 15.12.2015 by giving directions to the respondents to calculate the retiral benefits and released the same in favour of the petitioner within a period of four months from the said date.

Keeping in view the order passed by this Court on 15.12.2015, the retiral benefits were released to the petitioner on 22.09.2016 and 26.10.2016. After the release of the benefits, the petitioner requested for interest as he has retired on 29.02.2008 and the retiral benefits were being paid to him after a period of more than eight years. A demand for 18% interest was made from the respondents. As the claim was not being accepted by the respondents, the petitioner filed the present writ petition claiming the interest on the delayed payments.

A short reply was filed by the respondents in which it was mentioned that the claim for the interest has been allowed and an order has been passed on 20.02.2017 and the petitioner has been paid a sum of ₹5,22,493/- on account of the delayed retiral benefits at the rate of interest as applicable to the GPF.

Counsel for the petitioner not satisfied, filed a civil misc.

being CM No.7598 of 2017 in which the petitioner stated that he has only being paid interest on death-cum-retiral gratuity as well as on the leave encashment, whereas, the petitioner was entitled for the interest on the arrears of salary, arrears of pension and commutation of pension, which were also released to him in the year 2016.

I have heard the learned counsel for the parties and gone through the record.

It is an admitted case that the petitioner retired in February, 2008, whereas the benefits after retirement, for which the petitioner was entitled for, were only released to him in the months of September/October, 2016. There is no justifiable reason given for the delay, rather, the respondents by passing an order dated 22.02.2017 accepted that they were liable to pay the interest, but the interest has only being paid on the leave encashment amount and the amount of gratuity. Whereas, the other benefits such as arrears of salary, arrears of pension and commutation of pension, which were already released, the interest has not been paid and no reason has been given as to why the interest has not been paid upon these payments, which were also released after undue delay by the respondents.

Counsel for the respondents has not been able to satisfy this Court about the non-payment of interest on the commuted value of pension, arrears of pension and arrears of salary.

This Court has already held in **J.S. Cheema Vs. State of Haryana**, 2014(13) RCR (Civil) 355 that the employee entitled for interest on the delayed payment.

Once the respondents themselves had already granted interest on the delayed payments of leave encashment and gratuity, therefore, there is no reason, why the respondents are not to grant the interest on commutation of pension, arrears of salary and arrears of pension.

In view of the above, the present writ petition is allowed and the respondents are directed to grant the same rates of interest, as they have granted to the petitioner on the delayed payments of leave encashment and gratuity, if not already granted.

Let the calculation be done in this regard within a period of three months from today and the payment so, for which the petitioner is entitled for, will be paid to him within a further period of one month.

December 03, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No