

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11398 OF 2017
DECIDED ON: JULY 12, 2018

AJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.K. Dogra, Advocate for the petitioner.

JASPAL SINGH, J. (Oral)

Through instant petition, preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of Mandamus directing the respondents to immediately pay the retiral benefits including pension, gratuity, commutation of pension etc. with interest @ 18% p.a. on delayed payment.

2. At the very outset of the arguments, it has been fairly conceded by learned counsel for the petitioner that retiral benefits i.e. GPF, difference of GPF, leave encashment, DCRG, GIS, revised leave encashment, revised DCRG, provisional pension have already been paid but after an inordinate delay, regarding which, petitioner has not been compensated by way of interest, which is nothing but violation of Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

3. During the course of arguments, it has emerged that benefit of 2nd Schedule and special increments was wrongly granted to petitioner during his

service and it only came to light when pension papers were forwarded to the office of Accountant General for according sanction and approval. In that context, petitioner submitted his affidavit dated 06.10.2015, copy of which is annexed as Annexure R-2. It has been clearly stated in the affidavit that aforesaid benefit was inadvertently given to petitioner and he is not legally entitled thereto. The aforesaid affidavit was furnished by the petitioner on 06.10.2015 and it was only thereafter, proceedings were initiated for the grant of various benefits including pension. After submission of the aforesaid affidavit dated 06.10.2015, the respondents were obliged to complete the proceedings and disburse the amount within some reasonable period and in the instant case that may be taken to the extent of two months. Thus, the petitioner became entitled to the disbursal of the retiral benefits in December 06, 2015. But a glance at para 2 of the reply to the writ petition transpires that all other benefits were released after delay except GPF and GIS. In this situation, the petitioner deserves to be compensated by way of interest on delayed payments.

4. Accordingly, instant petition is disposed of with the direction to the respondents to grant interest @ 9% per annum after 05.12.2015 till the actual payment of various benefits, within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of aforesaid direction, the petitioner shall be at liberty to approach this Court as well as to avail recourse to the remedies available under law.

JULY 12, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***