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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20770-2015 (O&M)

Date of Decision: October 11, 2018

Anil Kumar Bimal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms.Manjeet Kaur, Advocate for
Mr.Surya Parkash, Advocate the petitioner.

Mr.Manoj Dhankhar, AAG, Haryana.

Mr.Sapan Dhir, Advocate for respondent No.2.

.....

RAJESH BINDAL, J.

The petitioner, who was prematurely retired from Haryana Superior Judicial Service on 07.03.2011, has filed the present petition claiming interest on account of alleged delay in payment of his General Provident Fund (for short,'GPF') amount. It is claimed that the petitioner was prematurely retired from service on 07.03.2011. However, the final payment of ₹17,82,582/- on account of GPF accumulation was released on 12.03.2013. The petitioner being not at fault should be awarded interest for the aforesaid delayed payment. It was further submitted that the order of premature retirement of the petitioner though was upheld by this Court in CWP No.20138 of 2010 decided on 12.07.2013, however, leave to appeal

33594-2013 against the order passed by this Court, which is still pending.

On the other hand, learned counsel for the respondents submitted that the claim made by the petitioner is totally misconceived. In fact, the petitioner was initially pursuing his challenge to the order of premature retirement, hence, he did not furnish requisite documents for disbursement of GPF amount. The petitioner failed to comply with the objections raised in the documents furnished by him despite repeated communications. Though the petitioner was prematurely retired on 07.03.2011, however, for the first time request was received by the High Court on 29.03.2012 for payment of his GPF amount alongwith interest. As the application of the petitioner for release of GPF amount was to be rooted through the District and Sessions Judge, Faridabad, he was advised to do so. Thereafter number of communications were sent to him for completing the documents. Details of all the communications sent to him have been referred to in the written statement filed by respondent No.2. Finally, it was in December 2012 that the petitioner completed the documents and immediately thereafter in March 2013, the amount was released. It was further submitted that the petitioner was in fact pursuing his remedy against the order of premature retirement, hence, did not furnish the documents for payment of retiral dues. The respondents cannot be faulted with.

After hearing learned counsel for the parties, we do not find any merit in the present petition. Though the petitioner was prematurely retired from service on 07.03.2011, however, he did not furnish requisite documents with the concerned Office, namely, the District and Sessions Judge, Faridabad, immediately thereafter to enable the Office to process the same

and disburse the amount to him. The petitioner did not furnish the documents as he had challenged the order of premature retirement in this Court by filing CWP No.20138-2010. The petitioner completed the documents for disbursement of the GPF amount in December 2012. After processing the same, the amount was released to him on 12.03.2013. The time taken thereafter by the authorities cannot be said to be unreasonable as even in the case of a person who retires on attaining the age of superannuation, it is required that he furnishes the documents for disbursement of his retiral dues six months prior to the date of his retirement. The period prescribed is to enable the authorities to process the claim.

For the reasons aforementioned, the writ petition is dismissed.

(RAJESH BINDAL)
JUDGE

October 11, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

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