

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

**CWP No. 17485 of 2017  
DECIDED ON: FEBRUARY 20, 2018**

**PARAMJIT KAUR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB & OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Ms. Aruna Sachdeva, Advocate  
for the petitioner.

Mr. Jaswinder Singh, Sr. DAG, Punjab.

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**JASPAL SINGH, J (ORAL)**

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release a sum of ₹19,04, 633/- accrued to petitioner on account of GPF along-with interest as well as to grant him ACP scale on completion of 14 years of service and the amount due to her on account GIS.

2. Concededly, the petitioner stood retired on attaining the age of superannuation on June 30, 2016. Neither any departmental nor any judicial proceeding is/was pending against the petitioner at the time of her retirement but despite that fact, neither the GPF amount nor GIS amount has been paid to

her. She has also not been given the benefit of ACP scale on completion of 14 years of service on the date of retirement or within some reasonable period thereafter. During the course of arguments it has emerged that the afore-said retiral benefits have since been released/disbursed to the petitioner during the pendency of instant petition. There is no explanation what to talk of any plausible explanation furnished by the respondents for the delay in disbursement of the afore-said benefits.

3. It is well settled proposition of law that the petitioner was entitled to the afore-said benefits either on the date of her retirement or within some reasonable period which has now been suggested to be three months from the date of retirement but in the case in hand there is an inordinate delay on the part of respondents in the disbursement of the afore-said benefits, for which the petitioner cannot be held liable. Rather, the lapse and omission can be termed to be on the part of the respondents. During the period, the payment of the afore-said benefits was delayed. Petitioner was deprived of its proper use and utilisation and he can be compensated only by way of granting him interest.

4. By now it is well settled that grant of interest @9% per annum is legally and factually justified, to which the petitioner is otherwise entitled therebeing, no fault on her part.

5. Accordingly, instant petition is dismissed as having been rendered infructuous so far as the main relief claimed through the instant petition is concerned, as the same stood granted/paid to the petitioner during the pendency of instant petition. However, respondents are held liable to pay interest on the delay payment(s). Accordingly, respondents are directed to calculate the

interest @9% per annum after the expiry of three months from the date of retirement of petitioner till its actual payment thereof, within a period two months from the date of receipt of certified copy of this order.

6. In case of non-compliance of the afore-said direction, petitioner shall be at liberty to have recourse to the other remedies available to her under law including to approach this Court.

February 20, 2018  
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(JASPAL SINGH)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |