

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26004 of 2015
Date of Decision : 20.12.2018

Suresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. B.S. Mittal, Advocate for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

Ms. Anju Sharma, Advocate for respondent No. 3.

Mr. Gagandeep Grewal, Advocate for respondent No. 4.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner is challenging the order dated 02.11.2015 (Annexure P-6) by which claim of the petitioner for the grant of interest has been declined.

As per the averments made in the present writ petition, the petitioner joined as a Clerk in Municipal Council, Maur on 15.10.1975 and kept on working there till 28.09.2011. After the petitioner was promoted as Inspector on 28.09.2011, he was posted in Municipal Council, Mansa. Thereafter the petitioner was transferred to Municipal Council, Sardulgarh on 17.08.2013 from where he retired on 31.10.2014.

Learned counsel for the petitioner states that the pensionary benefits were released to the petitioner with undue delay and, therefore, the

petitioner is entitled for the interest on the same. In respect of the same, the petitioner had filed a writ petition before this Court bearing CWP No. 15265 of 2015, which was disposed of by this Court with a direction to decide the representation filed by the petitioner. In pursuance to the direction given by this Court, an order was passed on 02.11.2015 (Annexure P-6) by which it was stated that all the benefits were released to the petitioner within the time frame except a sum of ₹1,01,028/- which was to be received from Municipal Council Maur/Municipal Council, Mansa. The said amount was also paid to the petitioner on 14.12.2015. The request for the grant of interest was declined, which action has been impugned by the petitioner in the present writ petition.

Heard.

The petitioner retired from service on 31.10.2014. As per the averments made in the written statement, which have not been denied, the petitioner was paid a sum of ₹4 lacs as gratuity on 03.11.2014. Thereafter another sum of ₹1,03,671/- was paid to the petitioner as Provident Fund on 27.01.2015. Another sum of ₹4 lacs was paid to the petitioner as gratuity on 29.01.2015 and the leave encashment amounting to ₹4,50,000/- was also paid to the petitioner on 29.01.2015. The above averments clearly go to show that within a period of three months, all the pensionary benefits were released to the petitioner except a sum of ₹1,01,028/-, which was to be received by Municipal Council, Sardulgarh, from Mouncil Council, Mansa as well as from Municipal Council, Maur. After the said amount was received, the same also stood paid to the petitioner on 14.12.2015.

There is no undue delay in release of the pensionary benefits.

Major portion of the pensionary benefits already stood release without any

delay and even the remaining amount of ₹1,01,028/- was also paid immediately to the petitioner after the same was received from the concerned authorities. In the present case, justification has been given for releasing the amount of ₹1,01,028/- after a delay of approximately one year, hence petitioner is not entitled to the grant of interest on any of the payment.

The writ petition stands dismissed.

December 20, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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