

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21795-2018

Date of decision: - 28.11.2018

Vijay Sharma

....Petitioner

Versus

State of Punjab through its Principal Secretary Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Narinder Pal Sharma, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the petitioner is claiming interest on the delayed payment of the retiral dues.

As per the averments made in the writ petition, the petitioner retired from service on 30.11.2015 and hence, he became entitled for the release of the retiral benefits immediately thereupon.

It has been contended by the petitioner that the payments were delayed without any valid justification and as there was no justifiable reason for withholding the retiral dues, the petitioner is entitled for interest as held by this Court in **J.S. Cheema Vs. State of Haryana** 2014(13) RCR (Civil) 355.

Reply has been filed by the respondents.

In the reply, the dates on which the payments were made

have been given.

As per the reply itself, the payment of GPF amounting to ₹11,26,349/- was made on 05.01.2016 i.e. within a period of one month. As far as the death-cum-retiral benefits is concerned, the payment of ₹10,00,000/- was made on 06.05.2016, payment of leave encashment amounting to ₹7,30,160/- was made on 05.05.2016. From the above-said facts, it is clear that apart from the payment of GPF, the other two payments i.e. DCRG and leave encashment were made after a period of three months. There is no explanation given for the said delay. Therefore, the petitioner will be entitled for the interest on the delayed payment of DCRG and leave encashment which were made in the month of May, 2016.

At this stage, counsel for the petitioner states that even the payment of GPF was made in March, 2016 and not immediately upon the sanction on 05.01.2016.

The present writ petition claim for the grant of interest is justified and is also covered by the law laid down by this Court in **J.S. Cheema's case (supra)**. Respondents are directed to calculate the interest on the delayed payment @ 6% per annum from the date it become due till the date the same were released to the petitioner.

In view of above, the present writ petition is allowed without any order as to costs.

(HARSIMRAN SINGH SETHI)
JUDGE

November 28, 2018
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No