

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

CWP No. 28342 of 2017

Date of Decision: August 01, 2018

Bhagwan Deen

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jaspal Singh

Present: Mr. Sukhdev Kamboj, Advocate
 for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

JASPAL SINGH, J.(Oral)

By virtue of instant petition referred under Article 226/227, the petitioner sought in the nature of mandamus directing the respondents to release the retiral gratuity, leave encashment, group insurance scheme, leave travel concession as per sanction granted respondents vide Annexures (P-1 to P-3) along with interest from the due date from the date of realization.

2. In compliance of the order dated 14.12.2017, the respondents have placed on record short affidavit of Mr. Dharam Singh, Director Administration, Office of Department of Public Instructions (Secondary Education), Punjab. Para No.4 of the aforesaid affidavit is relevant for the disposal of the instant petition for ready reference, the same is reproduced as:

“That in this regard it is humbly submitted that the petitioner

retired on 30.11.2016 and all payments have been released to the petitioner as per rules and the above payments have been directly credited into the Saving Account of the petitioner bearing no. 51024765033. at State Bank of Bikaner & Jaipur, Sector-17, Chandigarh and details of which are as under:

<i>Sr. No.</i>	<i>Paritculars/Type of payment</i>	<i>Amount in Rs.(released on)</i>
1.	<i>Gratuity</i>	<i>7,12,041/- on 22.01.18</i>
2.	<i>Leave in encashment</i>	<i>4,43,690/- on 16.01.18</i>
3.	<i>GIS</i>	<i>33,372/- on 22.01.18</i>
4.	<i>LTC</i>	<i>23,834 on 18.08.17”</i>

3. The perusal of the aforesaid paragraph made it a crystal clear that the amount on account of Gratuity Leave Encashment, (GIS) and LTC have already been paid to the petitioner, but without any interest.

4. The facts of the case as containing the petition are that the petitioner stood retired on 30.11.2016 as Junior Assistant on attaining the age of superannuation whereas the aforesaid amount(s) on account of leave encashment, GIS and LTC were paid in the year 2017-18 i.e. after much delay. Thus with regard to the issuance of the mandamus to direct the respondent to make payment of aforesaid amount is concerned, it has rendered infructuous.

5. However, still the claim putforth to the petition with regard to the interest on delayed still survives. By now it is well settled that the petitioner deserves compensation by way of grant of interest, if the payments of retiral benefits disbursed to him after a subsequent period of three months of the retirement.

6. In the instant case the aforesaid benefits were not released/disbursed to the petitioner even within period of three months from the date of retirement. Thus he is entitled to pay payment interest at the rate of 9% per annum after the expiry of three months from the date of his retirement till actual payment of the various amount(s).

7. Accordingly, the respondents are directed to calculate and make the payment of interest of the delayed payments of various retirement benefits within a period of two months from the receipt of certified copy of this order.

8. In case of non-compliance of the aforesaid order, petitioner shall be at liberty to approach this Court.

9. At this juncture, learned counsel for the petitioner has pointed out that an amount of Rs. 23834/- on account of Leave Travel Concession (LTC) was paid to the petitioner on 18.08.2017 whereas the total amount works out to Rs. 56,926/-. The aforesaid letter has not been challenged through the instant petition. However, if the petitioner is still aggrieved of, he shall be at liberty to challenge the aforesaid letter.

(JASPAL SINGH)
JUDGE

August 01, 2018
P.Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No