

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

**CWP No. 970 of 2018
DECIDED ON: AUGUST 10, 2018**

AMARJIT KAUR DHILLON

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surinder Garg, Advocate
 for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab along-with
Ms. Kashmir Kaur, District Treasury Officer, Faridkot
now posted at Moga.

JASPAL SINGH, J (ORAL)

Through the instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to release her retiral benefits i.e. gratuity, leave encashment, GPF, GIS as well as salary for the period 04.01.2010 to 27.02.2010 and 17.11.2016 to 15.12.2016 that too, along-with interest @9% per annum on the delayed payments thereof.

2. At the very outset, learned State counsel has submitted that various amounts accrued to the petitioner on account of her retirement i.e. gratuity,

leave encashment, GPF and GIS have already been released/disbursed to her and the instant petition with regard to the release of afore-said retiral benefits has been rendered infructuous. Accordingly, the instant petition qua the release of retiral benefits i.e. gratuity, leave encashment, GIS, GPF is dismissed as having been rendered infructuous.

3. As far as the release of salary for the period 04.01.2010 to 27.02.2010 and 17.11.2016 to 15.12.2016 is concerned, it has been submitted by learned State counsel that the matter is under active consideration of the respondents and it can be finalized only after a decision taken with regard Ex-India leave (without prior sanction) availed of by the petitioner. Respondents are directed to take a decision in this regard within a period of three months from the date of receipt of certified copy of this order and in case the matter goes in favour of the petitioner, to calculate the same and make the payment thereof, within next month.

4. Now the question which arises for determination is with regard to interest on the delayed payments of various retiral benefits.

5. Concededly, petitioner stood retired as Associate Professor on 30.09.2017. Neither any departmental nor any judicial proceeding was pending against her at the time of her retirement. Yet, the retiral benefits were only disbursed to her after the expiry of three months period from the date of her retirement. Thus, in view of instructions dated 10.05.1990, issued by the Government of Punjab as well as law settled by this Court in various judgments, petitioner becomes entitle to interest on the delayed payments of retiral benefits after the expiry of three months period from the date of her

retirement.

6. Accordingly, respondents are directed to grant interest @9% per annum on the delayed payments of various retiral benefits after the expiry of three months period from the date of retirement of petitioner w.e.f 01.01.2018 till the date, the actual payments thereof. Needful is expected to be done within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance, petitioner shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

7. While parting with this order, it would be appropriate to mention that for the compliance of orders passed by this Court as well as for the release/disbursal of various retiral benefits accrued to the petitioner on account of her retirement and also to ensure the presence of respondent No.5, respondent-State was directed to attach the salary of respondent No.5. Since, the needful has already been done and the petition stands finally disposed of, the salary of respondent No.-5/Ms. Kashmir Kaur, District Treasury Officer, Faridkot now posted at Moga attached by this Court vide order dated 27.04.2018 is released. Consequently, she would be entitled to draw her salary.

AUGUST 10, 2018
sham

(JASPAL SINGH)
JUDGE

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