

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.4334-LPA of 2017 and
LPA No.1989 of 2017 (O&M)
in CWP No.3800 of 2012
Date of decision: 08.01.2018

Food Corporation of India and Others

.... Appellants

Versus

Parkash Chand

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Ms. Jatinder Jit Kaur and Mr. Ish Puneet Singh,
Advocates for the appellants.

Rajesh Bindal, J.

CM No.4334-LPA of 2017

For the reasons mentioned in the application, the same is allowed and delay of 69 days in filing the appeal is condoned.

LPA No.1989 of 2017

By filing the present intra-court appeal, challenge has been made to the order dated 18.05.2017 passed by the learned Single Judge whereby interest on delayed payment of retiral dues has been granted.

The respondent-petitioner was working as Manager with appellant-Corporation. He was superannuated on 31.07.2010. At that time he was facing some departmental proceedings. His retiral dues were not paid. The enquiry proceedings concluded on 20.09.2010 vide which a sum of ₹60,000/- was ordered to be recovered from him. The dates on which retiral dues were paid to the respondent as has been noticed in the order passed by the learned Single Judge are reproduced as under:-

Sr. No.	Retiral Due	Date of Payment	Amount Paid
1.	Leave encashment	14.09.2011	Rs.2,42,867/-
2.	Gratuity	25.10.2011	Rs.9,04,688/-
3.	CPF amount	27.10.2011	Rs.10,71,950/-
4.	Selection Grade Arrears	19.01.2012	Rs.56,987/-
	Selection Grade Gratuity	19.01.2012	Rs.21,076/-
	Selection Grade Leave Encashment	19.01.2012	Rs.11,836/-
		Total	Rs.23,09,404/-

The learned Single Judge has directed for grant of interest @ 9% per annum for the delayed payment of the retiral dues after granting three months' time to the appellants for making payment from the dates it became due.

We do not find any error in the order passed by the learned Single Judge considering the dates on which the payments were made, which should have been made immediately after the respondent retired or after the enquiry proceedings were concluded.

However, we find that some clarification is required in the order to the extent that on Contributory Provident Fund in case interest has been calculated and paid upto the date of payment of the amount, the respondent shall not be entitled to any additional interest thereon.

With the aforesaid clarification, the present appeal is disposed of.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

08.01.2018
amit

1. Whether speaking/reasoned: Yes/No.

2. Whether reportable : Yes/No.