

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

**CM No.17274-CWP of 2019 in/and
CWP No.699 of 2009**

Date of decision : December 12, 2019

Jaipal Dhull

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Balraj Singh, Advocate for the applicant-petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-17274-CWP-2019

This application has been filed for early hearing of the writ petition, keeping in view the facts mentioned therein.

Notice of the application to the counsel opposite.

Ms. Safia Gupta, Assistant Advocate General, Haryana accepts notice and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are supported by an affidavit, application is allowed. The main writ petition is taken up for hearing today with the consent of the parties.

CWP No.699 of 2009

In this writ petition, the claim of the petitioner is for release of the gratuity, which the petitioner became entitled for after he retired from service on attaining the age of superannuation on 31.01.2008.

Learned counsel for the petitioner states that during the pendency of the writ petition, respondents have released the gratuity of the petitioner and the only claim which survives is for the grant of interest on

the delayed payment of the gratuity. Learned counsel further states that though, the petitioner retired from service on 31.01.2008 but the gratuity was paid to him on 25.02.2009 and therefore, keeping in view the Full Bench judgment of this Court in case of “*A.S. Randhawa vs State of Punjab*”, 1997(3) SCT 468, the petitioner is entitled for the interest on the delayed payment of gratuity and therefore, the petitioner be granted a liberty to approach the respondents claiming the same by filing appropriate representation.

Learned counsel for the respondents states that in case any representation is filed by the petitioner, claiming the interest on the delayed payment of the gratuity, an appropriate order will be passed in the facts and circumstances of this case, keeping in view the law laid down by the Full Bench of this Court in *A.S. Randhawa's case (supra)* within a period of three months from the receipt of the said representation.

Learned counsel for the petitioner states that keeping in view the statement of the respondents, he does not wish to press the present writ petition any further and the same may be disposed of as such.

Disposed of as having been not pressed.

However, the respondents will be bound by their statement recorded above.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019

sarita

Whether speaking / reasoned :

Yes

Whether Reportable:

No