

Date of decision : 29.04.2019

... Petitioner

Registrar Coop. Societies & Ors.

... Respondents

Present: Mr. Harit Sharma, Advocate
for the petitioner.

Mr. Vishal Sharma, Advocate
for respondents No.2 and 3.

1. The short controversy for determination herein is, whether the petitioner is entitled to grant of interest on the delayed disbursement of his retiral benefits, on attaining the age of superannuation, when his case for extension in service was declined.

2. The petitioner retired as Clerk on 28.02.2013. However, his retiral benefits were not released in time. As per the case set up by the petitioner, his retiral benefits were released with delay of almost fourteen months and he is entitled to interest thereupon.

3. The stand taken by the respondents in the impugned order dated 09.11.2015 (Annexure P-3) is that the delay of disbursement in the retiral benefits to the petitioner was caused due to pendency of his request for extension in service. After rejection of the request, the petitioner did not

timely comply with the formalities of filing the requisite application to seek the disbursement of his retiral benefit.

4. I have heard learned counsel for the parties and have gone through the paper-book carefully.

5. The conceded factual position is that the petitioner had promptly submitted his application for retiral benefits, after request for extension in service was declined by the department on 22.07.2013. After the petitioner promptly submitted his application, but the retiral benefits were disbursed on 17.11.2014. As per stand of the respondents, incomplete application was given by the petitioner, which resulted into delay in disbursement of the retiral benefits.

6. Perusal of the para No.7 of return filed by respondents No.2 and 3 herein reflects that after removing the objections, complete application was given by the petitioner on 09.09.2013, which was pre-audited. As per own case of respondents, the approval for pay fixation was accorded by the competent authority on 06.11.2013. Still the benefits were released to the petitioner on 17.11.2014 with delay. For the period prior thereto, the petitioner himself may be responsible as the respondents state that he did not even submit his application seeking retiral benefits. However, the delay caused by the respondents in releasing the retiral benefits, after re-submission of his application could not have been attributed to the petitioner. Though, the departmental procedures take time to finalize, but it must be reasonable as the retiral benefits are the sole basis for survival of an employee after superannuation, therefore, delay in disbursement of retiral benefits necessarily has to attract interest.

6. In the premise, present writ petition is disposed of with a direction to respondent PUNCOFED to grant interest @ 8% to the petitioner on the delayed retiral benefits, to be computed for a period of about 12 months i.e. w.e.f. 09.11.2013 (2 months after objections in application were cured) to 17.11.2014 (when the retiral benefits were actually disbursed). The interest be calculated and released to the petitioner within a period of two months from today.

Disposed of.

29.04.2019

Jiten

(ARUN MONGA)
JUDGE

- | | | |
|----|-----------------------------|---------|
| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |