

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

(214)

CWP-14002-2016

Date of Decision: January 08, 2019

Balwinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Deepali Puri, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner has prayed for the release of his pensionary benefits, which were not being released by the respondents.

As per the averments made in the writ petition, the petitioner retired as Assistant Superintendent (Jail) on 31.03.2016. It is averred in the petition that the wife of the petitioner was not well and was undergoing treatment for Cancer for which the petitioner needed the release of his pensionary benefits so as to fund the treatment of his wife.

Upon notice of motion, the respondents have filed the reply.

In the reply, the only objection taken for the non-release of the retiral benefits immediately was that the case of the petitioner was sent to Accountant General, Punjab for approval, who has raised certain objections and after the removal of the objections, the payment was released. Further, in respect of the GPF, the objection taken was that the No Objection Certificate was required to be produced by the petitioner from his previous place of posting. It has been averred that the leave encashment was

released to the petitioner on 14.09.2016, GPF was released to the petitioner on 04.11.2016 and gratuity was released on 02.12.2016.

From the above pleadings, it is clear that the reason for not releasing the retiral benefits immediately was only that the no objection was to be collected by the respondents themselves from the other jails where the petitioner remained posted. Further, the objection raised by the Accountant General, Punjab cannot be attributed to the petitioner. It is a settled law laid by this Court where the employee is not at fault and the employer has retained the amount without any valid justification, the employees are entitled for the interest on the delayed release of the benefits/payments. In *A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468* as well as in *J.S. Cheema Vs. State of Haryana and others, 2014 (13) R.C.R. (Civil) 355*, this Court has already held that the employees are entitled for interest on the delayed payments of the retiral benefits.

In view of law mentioned above, the present writ petition is allowed. The petitioner shall be entitled for the interest on the payments which have been released to him after the delay of three months. The petitioner shall be paid interest on the date the payment became due till the same were released as depicted in preceding paragraph of this order at the rate of 6% per annum. Let the calculations be done within a period of two months from the date of receipt of copy of this order and the required interest be paid to the petitioner within a period of one month thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

January 08, 2019
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No