

CWP-16418-2014 (O&M)

Date of decision: 16.07.2019

BHARAT BHUSHAN SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. S.K. Arora, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)**CM-6114-2016**

Present application has been filed on behalf of applicant-petitioner to place on record calculation sheet of outstanding dues and further for exemption from filing the certified copy of the same.

In view of the averments made in the application, the same is allowed. Calculation sheet of outstanding dues are taken on record, subject to all just exceptions.

CM stands allowed.

CWP-16418-2014

In the present writ petition, the grievance which is being raised by the petitioner is for the grant of interest on the delayed release of payments of the pensionary benefits such as pension, leave encashment, GPF, medical reimbursement, gratuity etc.

As per the averments made in the writ petition, wife of the petitioner namely Smt. Prabha Kumari was appointed as a Hindi Mistress on

01.10.1980. Unfortunately, she died on 20.02.2012. After the death of his wife, the petitioner became entitled for the benefits, in respect of the service rendered by his late wife. As per the averments made in Paragraph No.3 of the petition, the benefits were released to the petitioner after undue delay and therefore, petitioner claims that he became entitled for the grant of interest on the delayed payments.

The reply has been filed on behalf of respondent Nos.1 to 3 . In the reply, the respondents have stated that all the benefits for the which the petitioner was entitled for, have been released and further, the same have been released along with interest and the amount of interest have already been paid to the petitioner.

The averments made in Paragraph No.5 of the reply is as under:-

That it is further submitted that some delay has occurred in making payments relating to various components of Pensionary/Family pensionary benefits to the petitioner which neither was intentional nor deliberate and had occurred on account of involvement of a cumbersome procedure to get the same cleared from various quarters/departments. However, keeping in view the fact that the petitioner should not have been suffered owing to procedural counts and other related factors, including the negligent attitude of dealing officials, the petitioner has been paid interest on the delayed payments of various components of retiral benefits at the prevailing rates, the detail of which is being mentioned below for the kind perusal of this Hon'ble Court:-

Sr. No.	Description/component of retiral benefit	Amount of interest in Rs.	Date upto which the interest has been calculated
1.	Death-cum-retirement Gratuity.	58,667/-	24.11.2012
2.	Leave Encashment (sic)	11,361/-	30.01.2013
3.	Subscription of General Provident Fund	57,728/-	14.08.2013
4.	Deposits Linked Insurance (DIL)	2,610/-	28.02.2014
5.	Reimbursement of Medical Claim	1,791/-	15.02.2014
6.	Arrear in respect of family pension	10,338/-	30.10.2012

That it is further submitted that the petitioner is getting regular family pension from the concerned Bank for which he had opted for the given purpose. It is further submitted that the petitioner is seeking interest at the rate of 12% on delayed payments, which is not permissible in law. It is further submitted that usually the interest is paid on delayed payments at the prevailing rates on subscription of GPF fund of an employee which is at present is 8.70%. And all the amount of interest of delayed payments have been calculated at the said rate. It is further submitted that as of now all due payments, including due amount of interest, stood paid to the petitioner as submitted above and nothing remains payable to the petitioner.

I have heard counsel for the parties and perused the file carefully.

Counsel for the petitioner does not dispute the payment of amount as mentioned by the respondent in their reply and reproduced above. Only grievance which is being raised by him, is that the interest has not been calculated properly for the delay which has occurred and he was entitled for

respondents.

Counsel for the respondents very fairly states that in case, the petitioner has any grievance, he is free to approach the respondents by filing an appropriate representation in this regard by raising the claim and if any representation will be filed, the same will be disposed of by passing an appropriate speaking order within a period of three months from the receipt of the same.

Counsel for the petitioner prays that keeping in view the said undertaking, petitioner does not wish to press this writ petition any further and will file a representation claiming all the benefits for which he is entitled for, with the respondents.

The present writ petition stands disposed of in view of the facts and circumstances as stated above.

16.07.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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