

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11254-2017

Date of decision: - 29.04.2019

Saravjit Kumar Bawa

....Petitioner

Versus

Punjab Water Resources Management & Development Corporation
Limited

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Munish Joshi, Advocate, for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

The prayer of the petitioner in the present writ petition is to set aside the order dated 04.10.2016 (Annexure P-5) by which his claim for the grant of interest was rejected.

Upon notice of motion, the respondents have appeared.

Counsel for the respondent states that order dated 04.10.2016 has already been superseded by the respondent department and the case of the petitioner for the grant of interest has been reconsidered and he has been granted the interest by the competent authority vide order dated 12.04.2019.

Counsel for the respondent has produced a copy of the order dated 12.04.2019 and the contents of the same are as under: -

“Sh. Sarvjit Kumar Bawa, challenged the above Speaking

order by way of filing CWP No.11254 of 2017. The CWP is still pending in the Hon'ble Punjab & Haryana High Court. The Hon'ble Court vide order dated 08.03.2019 has directed to M.D., PWRMDC to remain present in the Court on 03.04.2019. During the course of arguments an undertaking had to be given in the Court, that the fresh speaking orders shall be passed to grant interest for the period of delay as per the decision given by the Hon'ble Court in similar matter, because the petitioner was in no way responsible for the delay in making payment of gratuity and leave encashment.

In the similar matter relating to PWRMDC, the Hon'ble Punjab & Haryana High Court awarded 7% interest per annum on delayed payment of leave encashment, whereas delayed payment of gratuity will be governed by the rates of interest as provided in the Payment of Gratuity Act, 1972. This order has been passed in CWP 20201 of 2014 and other connected matters on 08-04-2015.

As per the previous decisions, a period of 3 months from the date of retirement of the petitioner should be sufficient for payment of gratuity and leave encashment after the retirement of an employee. Therefore, an interest of 7% is payable to Sh. Sarvjit Kumar Bawa, Divisional Engineer (Retired) on the payment of leave encashment from 01.12.2012 to 29.04.2016. Similarly, interest will be payable to him from 01.12.2012 to 20.12.2013 @ as prescribed in the Payment of Gratuity Act, 1972.

This speaking order supersedes the speaking order passed vide No.8539-42/PWRMDC/ dated 04/10/2016.”

In view of the above, no grievance of the petitioner survives and the present writ petition has been rendered infructuous and the same is disposed of as such.

(HARSIMRAN SINGH SETHI)
JUDGE

April 29, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No