

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

CWP No. 20650 of 2013

Date of Decision : 11.04.2019

Gulab Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Rathee, Advocate
for the petitioner.

Mr. C.S.Bakhshi, Additional Advocate General, Haryana.

Mr. Sakal Sikri, Advocate for
Mr. Arvind Seth, Advocate
for respondent No.3.

Mr. Surjeet Singh, Advocate for
Mr. Dinesh Arora, Advocate
for respondent No.4.

Mr. R.S. Kundu, Advocate
for respondent No. 5.

Mr. Vikrant Attri, Advocate for
Mr. Dheeraj Chawla, Advocate
for respondent No.6.

Ms. Gitanjali Chhabra, Advocate for
Mr. Raman B. Garg, Advocate
for respondent No. 7.

Mr. Mukesh Kumar Verma, Advocate
for respondents No. 8 and 13.

Mr. Shubham Goyal, Advocate for
Mr. Mukul Aggarwal, Advocate
for respondent No. 9.

Mr. Namit Kumar, Advocate for

Mr. Alankrit Bhardwaj, Advocate
for respondent No.10.

Ms. Samridhi Sareen, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for respondent No. 11.

Mr. Gurpreet Jayia, Advocate for
Mr. Jagdish Manchanda, Advocate
for respondent No.12.

Harsimran Singh Sethi, J.(Oral)

The prayer of the petitioner is for release of the pensionary benefits for which the petitioner is entitled for after his retirement from service on 30.04.2013.

The matter is pending in this Court for the last about five years. Case had come up for hearing on 15.12.2014 on which date, the following order was passed:-

“Learned counsel for the petitioner seeks time to file a replication to the written statement filed by respondent No. 7.

He may do so within 2 weeks.

Adjourned to 02.02.2015.

In the meanwhile, reply shall be filed by the remaining respondents.

It is made clear that in case the petitioner's retiral benefits are being withheld for no legally valid reasons, the same shall be paid along with 7% interest thereon, failing which, Secretary, Municipal Council, Rewari, shall remain personally present in Court on the next date of hearing.

If no legally valid reasons are shown, the retiral benefits can be recovered from the salary of the persons responsible for late payment of such dues.”

As the said order was not being complied with, this Court

passed an order on 17.01.2019, which is as under:-

“The present writ petition is pending since 2013 and the prayer in the writ petition is to grant the pensionary benefits.

This Court had directed to release the said benefits vide interim order dated 15.12.2014. In the said order, it was mentioned that in case the retiral benefits of the petitioner are withheld without any legally valid reason, the same shall be paid alongwith interest @ 7%, failing which, the Secretary, Municipal Council, Rewari, shall remain present in the Court. The said order has not been complied with so far.

When the case was taken up on 30.08.2018, counsel for respondents No. 8 and 13 sought time to comply with the order dated 15.12.2014, passed by this Court, so as to ensure that the payment is made to the petitioner alongwith interest, as mentioned in the order.

Learned counsel for respondent No. 8 and 13 states that though he has conveyed the order passed by this Court to the respondent(s), but there is no communication which is being received from the respondent(s) about the compliance of the same and no one has contacted him or conveyed the fact as to whether the order dated 15.12.2014 has been complied with or not. He pleads helplessness in this regard.

Faced with this situation, this Court has no option but to summon respondent No. 13 i.e. the Secretary of the Municipal Council, Rewari, to be present in Court to explain for non-compliance of the order dated 15.12.2014 passed by this Court.

Adjourned to 12.02.2019.”

Today, a compliance report has been filed by the counsel appearing on behalf of respondent No. 13, wherein, it has been stated that all the benefits for which the petitioner is entitled for, have been released to him including interest on the delayed payments. The averments made in the

affidavit are as under:-

“1. That in compliance of the order dated 15.12.2014 passed by this Court, it is submitted that all the pensionary/retirement benefits has been paid to the petitioner including the interest as ordered by this Hon'ble Court. The complete details of the pensionary/retirement benefits of Sh. Gulab Singh are as under:-

Sr. No.	Description	Cheque No.	Dated	Amount Paid
1	Gratuity(DCRG)	421835	29.01.2015	594000
2	Leave Encashment	421836	29.01.2015	360000
3	LTC Block year 2012-15	444490	13.07.2015	20700
4	Pension Contribution Share	106180	16.06.2015	303677
5	Fixed medical allowance	76411	18.08.2015	13000
6	GPF of MC Hisar	120062	19.05.2016	462952
7	3 rd ACP Arrear w.e.f. 12.09.2008 to 30.04.2013	263788	01.05.2017	79805
8	Difference of Gratuity DCRG after 3 rd ACP	263789	01.05.2017	28215
9	Difference of leave encashment after 3 rd ACP	263790	01.05.2017	17100
10	Interest on LTC & 3 rd ACP Arrear	110647	28.09.2017	43591
11	Payment of interest	511199	09.04.2019	245404
12	Payment of LTC 2016-19	511200	09.04.2019	25344
			Total	2193788

2. That the payment of interest totaling ₹2,45,404/- has been calculated @ 7% as detailed as under:-

Sr. No.	Description	Amount	Due date of payment	Date of payment	Rate of interest	Period (Days)	Total amount of interest
1	DCRG	594000	01.05.2013	29.01.2015	7	638	72680
2	Diff. of DCRG	28215	01.05.2013	01.05.2017	7	1461	7906
3	Leave Encashment	360000	01.05.2013	29.01.2015	7	638	44048
4	Leave Encashment	17100	01.05.2013	01.05.2017	7	1461	4791

5	Pension communication	401808	01.05.2013	22.07.2016	7	1020	78600
6	Pension share	18000	01.06.2013	06.07.2015	7	765	2641
7	Pension share	18000	01.07.2013	06.07.2015	7	735	2537
8	Pension share	19000	01.08.2013	06.07.2015	7	704	2565
9	Pension share	19000	01.09.2013	06.07.2015	7	673	2452
10	Pension share	19000	01.10.2013	06.07.2015	7	643	2343
11	Pension share	19000	01.11.2013	06.07.2015	7	612	2230
12	Pension share	19000	01.12.2013	06.07.2015	7	582	2121
13	Pension share	19000	01.01.2014	06.07.2015	7	551	2008
14	Pension share	20000	01.02.2014	06.07.2015	7	520	1995
15	Pension share	20000	01.03.2014	06.07.2015	7	492	1887
16	Pension share	20000	01.04.2014	06.07.2015	7	461	1768
17	Pension share	20000	01.05.2014	06.07.2015	7	431	1653
18	Pension share	20000	01.06.2014	06.07.2015	7	400	1534
19	Pension share	20000	01.07.2014	06.07.2015	7	370	1419
20	Pension share	20700	01.08.2014	06.07.2015	7	339	1346
21	Pension share	20700	01.09.2014	06.07.2015	7	308	1223
22	Pension share	20700	01.10.2014	06.07.2015	7	277	1100
23	Pension share	20700	01.11.2014	06.07.2015	7	247	981
24	Pension share	20700	01.12.2014	06.07.2015	7	217	861
25	Pension share	20700	01.01.2015	06.07.2015	7	186	738
26	Pension share	21300	01.02.2015	06.07.2015	7	155	633
27	Pension share	21300	01.03.2015	06.07.2015	7	127	519
28	Pension share	21300	01.04.2015	06.07.2015	7	96	392
29	Pension share	21300	01.05.2015	06.07.2015	7	66	270
30	Pension share	21300	01.06.2015	06.07.2015	7	35	143
31	Pension share	21300	01.07.2015	06.07.2015	7	5	20
						Total	245404

3. That as detailed above in para 1, Rs. 2,45,404/- on account of interest and Rs. 25,344/- on account of payment of LTC 2016-19 has been paid on 09.04.2019 vide cheque No. 511199 dated 09.04.2019 and 511200 dated 09.04.2019 and the same has been credited in his account.

4. That admittedly, the petitioner firstly joined in Office of Municipal Council, Rewari on dated 09.12.2011 and remained posted under this office from 09.12.2011 to 14.06.2012 and relieved on dated 14.06.2012 on transfer to M.C. Fatehabad. Further, the petitioner again joined in Office of M.C. Rewari

on 15.10.2012 and remained posted from 15.10.2012 to 30.04.2013 i.e. upto date of retirement. It is a fact that the petitioner retired on 30.04.2013 from M.C. Office, Rewari. However, it is also a matter of record that the petitioner did not submit his pension documents well in time. He submitted his pension papers on dated 11.02.2015 after passing a one year 10 months late.

5. *It is further submitted that the pension case of petitioner was sent by this office to the Director, Local Audit Haryana Chandigarh vide this office memo no. 199 dated 11.02.2012. The case was returned to this office with some observation vide Director, Local Audit Haryana Chandigarh letter no. 12832 dated 11.03.2015 and the same was returned to the respective office vide this office memo no. 644 dated 20.03.2015 after attending the observation. The case was further returned to this office from Director, Urban Local bodies, Haryana Panchkula vide his memo no. 23469 dated 05.05.2015. The same has been returned back to respective office vide this office memo no. 1688-89 dated 17.06.2015. The case of the petitioner has been approved by the Director, Urban Local bodies; Haryana Panchkula by allotting him PPO No. 6208 and total amount of Rs. 20,700/- has been fixed as pension and the same has been intimated to the petitioner vide Memo No. DULB/Pension/PA-2/2015 dated 30.06.2015.*

6. *That Municipal Council, Rewari has paid a sum of Rs. 2193788 to Sh. Gulab Singh, Chief Sanitary Inspector (Retired) and nothing is pending towards the council. So, the present writ petition may kindly be disposed off as per position explained above.”*

Copy of the compliance report was given to learned counsel for the petitioner.

After going through the said report, learned counsel for the

petitioner, who is duly assisted by the petitioner himself, states that certain benefits of LTC for a particular period has not been extended to the petitioner and further a sum of ₹1,50,699/- was wrongly deducted from the GPF of the petitioner. Learned counsel for the petitioner states that in respect of the abovesaid two claims, the petitioner will approach the respondents by filing an appropriate representation within a period of 10 days from today and requests that the said representation be decided expeditiously.

Learned counsel for the respondents states that in case any representation is received from the petitioner, the same will be decided by passing appropriate orders and the order so passed will be informed to the petitioner. He states that the appropriate orders will be passed within a period of two months of the receipt of copy of the representation.

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

Writ petition stands disposed of as not pressed.

April 11, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *Yes*