

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

(220)

CWP-24349-2016

Date of Decision: February 05, 2019

Bhupinder Singh

..Petitioner

Versus

State of Punjab & ors

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI, J.(ORAL)

Present writ petition has been filed by the petitioner seeking the release of the pensionary benefits.

As per the averments made in the present writ petition, the petitioner joined the respondent-Department on 12.02.1980 and superannuated on 31.01.2016. It is averred in the petition that the pensionary benefits have not been released to the petitioner.

Upon notice of motion, the respondents have filed the reply, copy of which has already been supplied to counsel for the petitioner.

As per the reply filed, all the payments were already released to the petitioner by July, 2016 except 10% of the gratuity amount, which was released to the petitioner on 09.01.2017 after the vigilance clearance certificate was received. The averments made in paragraph 4 of the reply is as under:

“That it is respectfully submitted here that the retirement benefits claimed by the petitioner in the present writ petition has already been disbursed by the answering respondent. The detail of the payment made to the petitioner is as follows:-

Sr. No.	Details	Bill No.& Date	Amount	Date of Disbursement
1	GPF	72/24-02-2016	1052628/-	10-03-2016
2	Gratuity	13/26-05-2016	900000/-	05-07-2016
3	Earned Leave	20/02-06-2016	482611/-	05-07-2016
4	GIS	21/03-03-2016	48984/-	05-07-2016

From the above, it is clear that by the time the present writ petition was filed in October, 2016 all the payments had already made to the petitioner but still the present writ petition was filed without disclosing these facts.

Once the payment had already released to the petitioner prior to the filing of the writ petition, no grievance can be raised by the petitioner in the present writ petition.

Learned counsel for the petitioner states that gratuity amounting to Rs.1 lac was released after the filing of the writ petition on 09.01.2017.

In respect of the said averment, reply is already clear that the vigilance clearance certificate was issued to the petitioner on 26.12.2016 and within a period of two weeks, even the said amount was released to the petitioner. Therefore, it cannot be said that there was any delay in releasing the amount so as to enable the petitioner for grant of any interest for delayed payments of retiral dues.

In view of the above, the present writ petition is dismissed.

February 05, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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