

**CWP No. 26803 of 2016
Date of decision: 05.12.2019**

NARENDER PAL SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate and
Dr. Payal Mehta, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the claim, which is being raised by the petitioner is that the petitioner is entitled for the release of the pensionary benefits such as gratuity and commutation of pension alongwith interest. Learned counsel for the petitioner does not dispute that the benefit of Gratuity and Commutation of Pension has been released to the petitioner during the pendency of the writ petition.

Learned State counsel, by relying upon the averments made in Paragraph 6 of the reply, states that even the interest @ 8.7% has been released to the petitioner on the delayed payment of Gratuity as well as Commutation of Pension. The relevant paragraph is as under:-

That the office of respondent No.1 department has also accorded vide office order No. 10-BAP-II(10)-2017/1333 dated 26.04.2017 sanction for the payment of interest @8.7% amounting to Rs. 4,31,346/- (Rs. Four Lac thirty one Thousand three Hundred forty six only) to the petitioner Sh. Narender Pal Singh (SDO) on the

delayed payment of Gratuity and Commutation (including 8.7% interest on the amount of interest itself). The interest on GPF is paid @8.7% only. A copy of order dated 26.04.2017 is annexed as Annexure-R/1.

That the payment of interest has been made to the petitioner on 26.04.2017 and the amount of Rs. 4,31,346/- was deposited in the Bank Account of the petitioner through pay order dated 05.07.2017. A photocopy of 05.07.2017 is annexed as Annexure-R/2.

Learned counsel for the petitioner is unable to dispute the said position as no replication has been filed to the averments made in the written statement.

Once, the petitioner has been released the benefits alongwith interest, no grievance of the petitioner survives and the present writ petition has been rendered infructuous.

Learned counsel for the petitioner prays that the petitioner be given liberty to approach the respondents with the prayer that as period of 15 years, for which the pension is commuted, is already over, the full pension of the petitioner should be restored alongwith arrears. Learned State counsel states that in case any representation is filed by the petitioner in this regard, appropriate orders will be passed keeping in view the facts and circumstances of this case within three months from the date of receipt of the said representation and in case, any relief is to be given to the petitioner as per the decision so taken, the same will be paid to the petitioner within a period of one month thereafter.

05.12.2019
renubala

(HARSIMRAN SINGH SETHI)
JUDGE

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

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(HARSIMRAN SINGH SETHI)
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No