

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

CWP No.8802 of 2020

Date of decision : November 17, 2020

Gurprit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Surinder Garg, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

Mr. Parminder Singh, Advocate for respondent No.4.

RAJBIR SEHRAWAT, J. (ORAL)

Present writ petition has been filed by the petitioner for issuance of a direction to the respondents to release the retiral benefits such as gratuity, Leave encashment and ACP Scheme benefitss along with interest to the petitioner.

At the outset, learned counsel for the petitioner submits that after the writ petition was filed, the respondents have paid the entire retiral dues of the petitioner. Therefore, the only question which survives in this case is qua grant of interest on the delayed payments of the retiral dues. It is further submitted by the learned counsel for the petitioner that the petitioner retired from service on 30.04.2018. At that time, an amount of ₹5,00,000/- was paid to him. However, an amount of ₹12,49,310/- was outstanding, which was paid by the respondents only on 11.03.2020. Therefore, an

amount of ₹12,49,310 has been paid after a delay of about one year and eleven months. There has been no reasonable ground for delaying the payments. Therefore, the petitioner deserves to be compensated by awarding interest @ 18% per annum for the delayed payment; on the amount of ₹12,49,310/-.

No written statement has been filed by respondent Nos.1 to 3.

Respondent No.4 has filed the written statement, wherein it is stated that out of about 38 years of service of the petitioner, he was having only nine months of service with Nagar Panchayat, Bariwala. Rest of the service was with the Municipal Council, Malout and Municipal Council, Gidderbaha. Therefore, the answering respondent was to get the share of the retiral dues of the petitioner from these Municipal Councils; before finally releasing the dues to the petitioner. Those Municipal Councils have not been impleaded as party by the petitioner. It is also submitted that respondent No.4 kept on writing letters to the abovesaid Municipal Councils, as well as, to respondent Nos.1 to 3. However, there had been no response from anywhere for a long time. Ultimately, the petitioner was granted the retiral dues by respondent No.4; even without getting the response from those Municipal Councils or from the State Government.

Learned counsel for respondent Nos.1 to 3 has submitted that the petitioner is an employee of the Municipal Bodies and the State Authority only recommends for the release of the dues of such an employee. However, it is not disputed that; in the present case, despite the writing of letters by respondent No.4, no response was made even by respondent Nos.1 to 3.

In view of the above, this Court does not find any reasonable justification qua delaying the payment of the retiral dues of the petitioner. Hence, the petitioner is held entitled to the interest @ 8% per annum on the amount of ₹12,49,310/-; for the delayed period of payment i.e. from 30.04.2018 till 11.03.2020. The amount of interest is ordered to be paid in equal shares by the Municipal Council, Malout and the Municipal Council, Gidderbaha. The payment of amount of interest shall be released to the petitioner within a period of four weeks from the date of receipt of certified copy of this order by the Municipal Council, Malout and the Municipal Council, Gidderbaha.

The present petition is disposed of with the abovesaid terms.

(RAJBIR SEHRAWAT)
JUDGE

November 17, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No