

CWP No.3091 of 2016
Date of Decision: 18.02.2020

Anil Kumar Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Mukand Gupta, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

Ms. Supriya Garg, Advocate
for respondent Nos.2 to 4.**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed making various prayers.

Admittedly, the gratuity has been released to the petitioner on 06.09.2016, whereas, the commutation of pension was released on 26.09.2017 and his pay has also been re-fixed. Vide order dated 27.04.2017, the prayer remained confined only to re-fix the pay of the petitioner from 24.01.2007 instead of 23.12.2008 as well as interest on the delayed payment.

The reason why the pay was fixed from 23.12.2008 and not from 24.01.2007 has been explained in para 6 of the written statement pointing out that vide decision dated 14.03.2016, it was decided that the payment of arrears shall be restricted to a period of 3 years preceding the date of submission of request with the Nigam by the employee/retiree or the actual date of promotion from which he is entitled for arrears, whichever is later. In the present case, the petitioner although was entitled from

were paid from three years prior to the filing of the said request, which was 23.12.2008. Thus, no fault can be found for the arrears having been restricted to three years preceding the date of the submission of the request to the Nigam.

The only prayer, therefore, that now survives is qua payment of interest on the delayed release of gratuity and commutation pension, which he was entitled immediately on his retirement i.e. on 30.11.2014 but it was released on 06.09.2016 and 26.09.2016. No reason for delay is forthcoming.

In view of the above, the present writ petition is rendered infructuous. Except the claim towards interest, the respondents are directed to pay the interest @ 6% per annum on the amount of gratuity and commutation pension from the date of his retirement till it was released.

Needful be done within three months from the date of receipt of certified copy of this order.

Disposed of accordingly.

18.02.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No