

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6288 of 2016

Date of decision: 13.01.2020

Arjan Dev

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim of the petitioner is for release of his pensionary benefits. As per the averments made in the writ petition, the petitioner retired from service on 30.04.2010, but his pensionary benefits were not released by the respondents and that too without any valid justification. Petitioner filed the present writ petition in the year 2016 claiming that even after the period of six years after his retirement, his pensionary benefits have not been released by the respondents and that too without any valid justification.

Upon notice of motion, the respondents have filed reply and in paragraphs 2 and 3 of the reply, the following averments have been made:-

“That it is submitted that the pension case of the petitioner was received in this office on 21.12.2015. During the processing of the case it was found that the petitioner submitted his pension papers on 09.12.2015 to the Executive Officer Panchayat

Samiti Dera Baba Nanak after five years and eight months after his retirement. After preparing the comparative statement of CPF it was found that an amount of Rs.1,55,456/- was sent less than the employer share which was required. The executive officer Panchayat Samiti Dera Baba Nanak was directed to send this amount to this office vide this office letter No.1289 dated 08.07.2016 and the executive Officer Panchayat Samiti Dera Baba Nanak send this amount of Rs.1,55,456/- vide draft No.782318 dated 02.08.2016 vide his office letter No.578 dated 02.08.2016.

It is submitted that after receiving the employer share from executive Officer Panchayat Samiti Dera Baba Nanak the petitioner is granted pension @ 7874+DA per month and the arrears of pension is calculated which comes to Rs.11,24,250/-. The arrears of pension Rs.11,24,250/- has been paid to the petitioner vide this office letter NO.2095 dated 28.11.2016. The copy of the said letter is Annexed R/1.

That the other retiral benefits have been paid to the petitioner as per table given below.

S. No.	Detail of payment	Amount	Cheque No. and Date	Account No.
1	CPF	2,01,707/-	Letter No.1209 dated 31.08.2010	3602011005431
2	Leave Encashment	2,40,160/-	Cheque No.318346, dated 09.09.2010	
3	Gratuity	3,99,168/-	Cheque No.432087, dated 05.11.2015	

It is further submitted that the petitioner is not liable to pay interest on the delayed payment of gratuity and pension as he has submitted his pension paper on 09.12.2015.

It is therefore, respectfully prayed that the present writ petition may kindly be dismissed in the interest of justice.”

The above averments have not been rebutted by the petitioner by filing any replication. The respondents have taken the stand in the reply that the petitioner has submitted his pension papers after five years and eight months of his retirement and after completing all the formalities, the pensionary benefits of the petitioner were released to him in the year 2016 itself, hence, he is not entitled to the grant of interest.

No material has been placed on record by the petitioner to show that facts stated by the respondents in their reply are incorrect. That be so, as the petitioner himself was responsible for the delayed release of the pensionary benefits, no interest can be granted in his favour.

As the benefits, for which the petitioner was entitled for have already been released to him, no further orders are required to be passed in the present writ petition and the same has been rendered infructuous and is disposed of accordingly.

(HARSIMRAN SINGH SETHI)

JUDGE

13.01.2020

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| <i>aarti</i> 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |