

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23626 of 2015
Date of Decision: 05.02.2020

Hardev Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Manish Soni, Advocate for the petitioner
Ms. Samina Dhir, DAG Punjab
Mr. Aman Bansal, Advocate for respondent No.4

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by petitioner Hardev Singh, *inter alia*, with a prayer to direct the respondents to release the Gratuity to the petitioner which was approximately ₹ 10 lakhs or above and also along with 18% interest. The petitioner has secondly prayed for grant of proficiency step-up on completion of 9 years of service as per ACP scheme which was due as per the petitioner w.e.f. June, 2008.

(2) Learned counsel submits that the petitioner had retired on 30.04.2015.

(3) In this case, notice of motion was issued on 05.11.2015. Respondent No.4 has filed its reply and in para 15 thereof, it has been mentioned that ACP on completion of 9 years of service is to be awarded by the Government. It has been further mentioned that the said issue of grant of ACP is pending in the office of Secretary, Government of Punjab, Department of Local Bodies.

(4) Both the parties are agreeable that the first substantive relief i.e. for payment of Gratuity stands granted to the petitioner on 09.09.2018 to the tune of ₹ 10 lakhs.

(5) The claim of the petitioner therefore left to be decided by the respondents is regarding the release of ACP, permissible interest on delayed payment, if any. Accordingly, this Court deems it appropriate to dispose of the writ petition with the following directions:-

- (i) respondents No.1 to 3 are directed to take a final decision on the claim of the petitioner for grant of ACP (which is stated to be pending with respondents No.1 to 3) within two months from the date of receipt of certified copy of this order.
- (ii) petitioner shall be at liberty to move the consolidated representation claiming interest on delayed payments within one month from today. On receipt of the same, both the authorities namely, respondents No.1 to 3 as well as respondent No.4 would examine the issue and for the periods the respective authorities have delayed payment, let permissible interest as per instructions may be considered and granted in accordance with law.
- (iii) in case the authorities find that the interest is payable, let the same be released within one month thereof.

(6) Let the above exercise be completed within 3 months from the date of receipt of certified copy of this order.

(7) Ordered accordingly.

05.02.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No