

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

CWP-12415-2021 (O&M)
Date of Decision:-12.07.2021

Baljinder Kaur

... Petitioner

Versus

Union Territory, Chandigarh Administration & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Raj Kumar Sharma, Advocate
for the petitioner.

Mr. Lokesh Chander Aggarwal, AAP, U.T. Chandigarh
for respondents No.1 to 4.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has invoked the writ jurisdiction of this Court
under Articles 226/227 of the Constitution of India for quashing of the order
dated 17.3.2021 (Annexure P-1) passed by the Central Administrative
Tribunal, Chandigarh Bench (in short 'the Tribunal'), whereby the original

application filed by the petitioner for grant of interest on delayed payment of retiral benefits was dismissed.

In brief, the facts of the case are that the petitioner retired as Junior Assistant in the Law and Prosecution Department, Union Territory, Chandigarh on 30.9.2016, on attaining the age of superannuation. Payment of leave encashment to the tune of ₹4,58,550/- was made to the petitioner on 04.11.2016. Gratuity to the tune of ₹7,56,608/- was paid to the petitioner vide order dated 26.3.2017. The final payment of GPF worth ₹29,57,085/- was credited to the bank account of the petitioner on 20.6.2017. The amount of CGEHIS was paid to her on 21.9.2018. The petitioner filed original application in the Tribunal claiming interest on the delayed payment of pensionary benefits.

The claim of the petitioner was contested by respondents No.1 to 4. The Tribunal after hearing both the parties, dismissed the original application vide impugned order (Annexure P-1) while holding that the petitioner herself was responsible for delay in disbursement of pensionary benefits.

Being not satisfied with the aforesaid findings given by the Tribunal, the petitioner has filed the present writ petition.

We have heard the counsel for the petitioner as well as the counsel for the Union Territory, Chandigarh who was having advance copy of the petition.

The counsel for the petitioner submitted that the impugned order is totally illegal. Learned counsel further contended that there was

intentional delay on the part of respondent No.1 to 4 in disbursing the retiral benefits to the petitioner. That the petitioner time and again represented to her department to make payment of retiral benefits and one such representation is Annexure A-4 which was made on 16.3.2017. The learned counsel further argued that the petitioner is not at all responsible for the delay caused by the department in paying the pensionary benefits to her. The learned counsel next argued that there being delay in releasing of the retiral benefits, the petitioner prayed for interest on the same. In this regard, she gave representations dated 01.10.2017, 06.04.2018 and 26.07.2018 which are Annexures A-7 to A-9. The learned counsel further submitted that the concerned authorities did not pay any heed to the said representations. On this, the petitioner moved the Tribunal. However, the Tribunal also rejected her claim, without spelling out any reason.

On the contrary, the counsel for Union Territory, Chandigarh submitted that there is no illegality or perversity in the impugned order. He further submitted that there is ample evidence available on the record to show that delay occurred only due to inaction on the part of the petitioner herself. In this regard, the learned counsel for U.T. Chandigarh referred to memo dated 27.9.2018 (Annexure A-1) whereby the request of the petitioner for grant of interest on delayed payment of pensionary benefits was declined by her department by assigning reasons.

We have considered submissions made by counsel for the petitioner as well as counsel for Union Territory, Chandigarh.

In this case, the plea of the petitioner is that delay in releasing the retiral benefits was willfull and intentional on the part of the respondents No.1 to 4, for which she is entitled interest at the rate of 18% per annum. On the contrary, as per the contesting respondents, the said delay was attributable to the petitioner. The learned counsel for U.T. Chandigarh while referring to memo Annexure A-1 submitted that in this case delay had occurred as the petitioner failed to provide her specific signatures, duly attested photographs and affidavit within time and the same were personally collected by the official of her department on 21.4.2017 and thereafter submitted in the office of Accountant General, U.T. Chandigarh. Finally sanction for release of GPF was received from the office of Accountant General on 17.5.2017 and thereafter GPF was released on 19.6.2017 to the petitioner. However, the aforesaid explanation given by the contesting respondents regarding delay in disbursement of pensionary benefits, has been refuted by the petitioner. In this manner, the matter involves disputed questions of fact, which cannot conveniently be gone into in the present writ petition.

In the light of the above, we are of the view that the present writ petition cannot be entertained and accordingly dismissed being not maintainable.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

12.07.2021
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No