

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CWP No. 10498 of 2017

Date of Decision : 29.04.2022

Suresh Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

Ms. Kanica Sachdeva, Assistant Advocate General, Punjab.

Mr. Karan Vir Singh, Advocate for respondent No. 5.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for issuance of an appropriate direction to the respondents to release her pensionary benefits along with interest.

After notice of motion, the respondents have filed the reply.

The relevant paragraph 5 of the reply of respondent No. 5 is as under :-

“5. That the contents relating to the legal notice in para no. 5 are a matter of record. The petitioner is entitled to Rs. 627900/- as gratuity as the total period of service of the petitioner is 22 years 11 months and 03 days, henceforth after calculation, his grand total with respect to gratuity after doubling his total amount, since it was a death case comes out to Rs. 627900/- and not Rs. 700791/- which has already been handed over to the petitioner. As per the notification by the Governor, Punjab amending the Punjab Civil Service Rules with effect from June, 2015, the gratuity that the petitioner is entitled to receive is Rs. 409500/- because as per the notification amending the amount to be granted in death cases,

the principal amount is not to be doubled, hence the total gratuity that the petitioner is receiving is higher than the amount he is entitled to receive as per the recent notification. Hence with due respect nothing has been withheld by the department and all the dues have been released after close examination.”

Learned counsel for the petitioner submits that though, the payments have been made to the petitioner but the calculation of the amount is not correct. Learned counsel for the petitioner further submits that as the payments have been made after delay, the petitioner is entitled for the grant of interest on the delayed release of payments for which, she be given liberty to file appropriate representation with the respondents to claim the said benefit and to rectify the incorrect calculation of the pensionary benefits.

Learned counsel appearing on behalf of respondent No. 5 submits that in case, petitioner files any representation raising any grievance, the same will be dealt with in accordance with law and appropriate order on the same will be passed within a period of eight weeks and in case, petitioner is found entitled for any relief, the same will also be released to her within a period of four weeks thereafter.

Learned counsel for the petitioner submits that keeping in view the above, the present petition may kindly be disposed of having been not pressed any further with liberty as prayed for.

Ordered accordingly.

April 29, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No