

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CWP No. 14468 of 2016

Date of Decision : 09.05.2022

Kuldeep Singh

...Petitioner

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Raman Kumar Sharma, Addl. Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of the order dated 29.04.2016 (Annexure P-11) by which, the representation of the petitioner seeking grant of interest on the delayed release of the pensionary benefits has been rejected.

Learned counsel for the petitioner argues that though, interest @ 8% has been given on certain components of the pensionary benefits but the same has not been paid on commutation of pension and the interest, which has been calculated by the respondents on the arrears of the pension, is incorrect, which is apparent from the affidavit, which the respondents have filed on 30.08.2019. Learned counsel for the petitioner submits that as per the said affidavit, though there is a delay in release of the pensionary benefits to the tune of 259 days (approximately one year), but the interest

has only been paid for a period of one month and not for whole of the period. Learned counsel for the petitioner further submits that the leave encashment was paid in two installments and the interest has not been calculated keeping in view the last installment paid and, therefore, discrepancies have occurred in calculation of the interest for which the petitioner is entitled for.

Learned counsel for the respondents submits that though, a plain reading of the affidavit dated 30.08.2019 shows some discrepancies in computing the interest on the arrears of pension but no interest is liable to be paid on commutation of pension. Learned counsel for the respondents further submits that in case, the leave encashment was paid in two installments and if the petitioner approaches the respondents by way of filing a representation, the said grievance of the petitioner will also be redressed after ascertaining the facts as to on what date the second installment of the leave encashment was paid.

Learned counsel for the petitioner argues that as per the Instructions by the respondents themselves, the commutation of pension is part of the pensionary benefits. The petitioner has attached the Instructions, which have been issued by the respondents dated 06.11.2003, which could not be disputed by the learned counsel for the State.

Keeping in view the above arguments, let the petitioner file a representation including all these details with the respondents. The respondent-State is directed to look into the representation and wherever there is a discrepancy in the grant of interest, the same should be rectified within a period of eight weeks of the receipt of the representation and if any

monetary benefit is to be paid to the petitioner after the decision in the representation, the same should also be released in favour of the petitioner within a period of one month thereafter.

Petition is disposed of with liberty to the petitioner to approach the respondents.

May 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No