

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

Sr. No.338

CWP-17473-2022

Date of Decision: 29.09.2022

Saroj

.... Petitioner

Versus

Managing Director, Uttar Haryana
Bijli Vitran Nigam Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Mr. Anil Chawla, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the respondents submits that the claim of the petitioner for the grant of benefit of daily wage/work charge service for computing the pensionary benefits by treating the same as a qualifying service has already been approved by the department vide order dated 28.09.2022 and direction has been issued to the competent authority to reassess the pensionary benefits of the petitioner and release the same to the petitioner.

Learned counsel for the petitioner submits that though the order has been passed but the respondents be directed to implement the said order for the release of the consequential benefits to be extended to the petitioner in a time bound manner.

Learned counsel for the respondents submits that the benefits for which the petitioner has become entitled in terms of the order dated 28.09.2022, will be extended to the petitioner within a period of two months from the receipt of copy of this order subject to fulfilling the requirement of deposit of EPF for the period it was not deducted along with interest by the petitioner.

Learned counsel for the petitioner undertakes to deposit the contribution for the period it was not deducted, which has now been taken as qualifying service along with interest within a period of one month from the date the said demand is made.

Learned counsel for the petitioner submits that the petitioner retired from the service on attaining the age of superannuation on 31.03.2016 whereas, the benefits are being released in the year 2022, after a period of 6 years. Learned counsel for the petitioner submits that the petitioner is also entitled for the grant of interest on the revised pensionary benefits as the petitioner was entitled for these very benefits on the date when he retired.

Keeping in view the fact that the respondents upon reconsideration have found the petitioner entitled for the benefits, shows that the same were admissible to the petitioner when he attained the age of superannuation and retired in the year 2016. That being so, the petitioner becomes entitled for the grant of interest keeping in view the judgment of Coordinate Bench rendered in **CWP-15867-2001** titled as **J.S. Cheema Vs. State of Haryana and others**, decided on 20.11.2013, according to which, any amount belonging to the employee, if retained by the department, is to be released along with interest.

Petitioner is held entitled to the interest @6% per annum from the date the benefits became due till the actual realization of the same. The said payment be also released to the petitioner within a period of two months from the receipt of copy of this order.

Petition stands allowed.

(HARSIMRAN SINGH SETHI)
JUDGE

29.09.2022
Maninder

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