

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 20942 of 2019 (O&M)
Date of Decision: 01.08.2022

Anita Rani

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. C.L.Sharma, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for release of interest on the delayed payment of retiral dues i.e., G.P.F., amount, though mentioned as gratuity in the writ petition.

It is submitted that petitioner, who was serving as Senior Assistant with the department of Health and Family Welfare, Government of Punjab, retired from service on 31.08.2018. G.P.F. amount of Rs. 25,14,830/- was however released to the petitioner on 24.04.2019. It is submitted that there is no delay whatsoever on the part of the petitioner in completion of requisite formalities. Therefore, she is entitled to interest on the delayed payment. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State while referring to the reply by way of affidavit dated 09.10.2019 filed on behalf of respondents

no.1, 2 and 4 and affidavit dated 06.11.2019 filed on behalf of respondent no.3 argues that in-fact there is no delay in release of the amount of GPF amount to the petitioner, who was in-fact allowed premature retirement vide order dated 13.08.2018/ endorsed on 25.08.2018. Petitioner's case for final payment of GPF., it is stated was sent to the Director, Health and Family Welfare, Punjab, who had pointed out certain deficiencies in the documentation which was completed and sanction for final payment of GPF was afforded on 11.12.2018. Therefore, there was no delay on the part of respondents no.1, 2 and 4. So far as respondent no.3, is concerned, it is submitted that Drawing and Disbursing Officer of the petitioner prepared bill dated 20.12.2018 and submitted that same with the treasury office on 24.12.2018. However, bill in question lapsed with the ending of the financial year on 31.03.2020. Department of Finance, Punjab, vide letter dated 03.04.2019 extended the sanction limit in release of GPF/90% to Punjab Government Employees pursuant to which the bill was prepared again on 15.04.2019 and submitted on 24.04.2019 and the amount deposited in the petitioner's account on the same day. It is thus prayed that this writ petition be dismissed.

Heard learned counsel for the parties.

Perusal of paper book reveals that there is no dispute about the petitioner retiring on 31.08.2018. She was allowed to retire pre-maturely vide order dated 13.08.2018 wrongly mentioned as 25.08.2018 in affidavit dated 09.10.2019. There is indeed no palpable reason coming forth to explain the delay in release of the amount of GPF to the petitioner till 24.04.2019. It is a settled position of law that pension/pensionary benefits are not a bounty to be paid according to the sweet will and pleasure of the employer. It has been held by the Full Bench of this High Court in

A.S.Randhawa Vs. State of Punjab, 1997 (3) SCT 468 that a duty is cast upon the State to disburse pension and other benefits to the retiree within proper time and proper time for release of the pensionary benefits would depend upon the facts and circumstances of each case, but normally it should not exceed two months from the date of retirement. It was further held that in case, there is any default on the part of the State, the retiree gets the right to be compensated by way of payment of interest.

In the present case, learned counsel for the respondents is unable to point out any ground whatsoever to justify the delay in release of the GPF amount to the petitioner. It is relevant to note that even after sanction was afforded on 11.12.2018, payment was not released till 24.04.2019. End of financial year came after few months of affording of sanction, therefore, ground so taken in the reply is clearly specious and untenable.

In the given factual matrix, petitioner is indeed found entitled to interest at the rate of 6% per annum from 01.11.2018. The said amount be released to the petitioner within three months of receipt of certified copy of this order.

No other argument has been raised.

Writ petition is accordingly disposed of.

01.08.2022

s.khan

[LISA GILL]
Judge

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