

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

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CWP No.25113 of 2017

Date of decision : 31.08.2022

Bal Krishan

...Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. M.K. Dogra, Advocate for the petitioner.

Mr. Rajesh Mehta, Additional Advocate General, Punjab
for the respondents.**VIKAS SURI, J. (Oral)**

Learned counsel for the petitioner submits that after filing of the present petition, the retiral dues have been paid. He further submits that the only question that would remain is with regard to liability to pay interest on delayed payments.

The brief facts of the case are that the petitioner on attaining the age of superannuation had retired on 31.12.2016 and sought extension of service after superannuation. As the necessary sanction in that regard was pending with the appropriate authority, the requisite paper-work required for release of pension was not completed. After the appropriate authority declined to grant extension after superannuation, the documentation for release of pension, as required at the hands of the petitioner was completed on 11.03.2017. Thereafter, the pensionary benefits were released on different dates between August 2017 to November 2017, as detailed in para 3 of the reply dated 27.04.2018, filed on behalf of respondent Nos.1 to 3 and 5.

The afore-noticed factual matrix is not in dispute.

Learned counsel for the petitioner reiterates that the only question that now remains is with regard to interest on delayed payments. The said prayer is vehemently opposed by learned State counsel. He has pointed out that the delay in completing the requisite documentation is at the behest of the petitioner, which necessary paper-work and documentation was concededly completed on 11.03.2017 and shortly thereafter, the payments were made.

Learned counsel for the petitioner would point out that though all necessary documents were submitted by 11.03.2017, however, the last of the retiral benefit was paid on 20.11.2017 (DCRG Provisional) amounting to Rs.6,68,844/- and submits that the interest even for the limited period would be substantial in that regard.

Heard learned counsel for the parties and perused the record with their able assistance.

With regard to the main relief sought in the writ petition i.e. issuance of directions to the respondents to immediately pay retiral dues, the same has been rendered infructuous as payment has already been made. However, the only surviving grievance, if any, is with regard to payment of interest for the limited period of a few months involved in the matter. Learned counsel for the petitioner would point out that the necessary approvals and sanctions were given on 04.07.2017 (Annexures P-1 and P-2) and the bill pertaining to DCRG was prepared only on 20.11.2017.

In view of the above, the petitioner is granted liberty to move an appropriate application before the authority concerned, detailing the period of default keeping in view the admitted dates of completing of the

documents, grant of sanction and disbursal of the respective amounts. In case, such an application is filed by the petitioner, the same would be considered by the competent authority within a period of three months from the date of presenting the same along with certified copy of this order and it would be decided by passing a speaking order, in accordance with law.

Needless to observe that in case, after the decision, petitioner is found entitled for any monetary benefits, the same be disbursed promptly thereafter, without further orders from this Court, preferably within a period of six weeks, as per law.

The petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

August 31, 2022
Ajay

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