

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(246)

CWP No. 26336 of 2018  
Date of Decision : 10.05.2022

Parkash Ram

...Petitioner

Versus

State of Punjab and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

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**Harsimran Singh Sethi J. (Oral)**

The present petition has been filed with a prayer that the petitioner was given General Provident Fund (for short 'GPF') less than his entitlement at the time of his retirement and the respondents be directed to grant the petitioner an appropriate amount of GPF as per his entitlement.

Learned counsel for the petitioner argues that the petitioner retired from service on attaining the age of superannuation on 30.04.2017 after which, the respondents prepared the case of the petitioner for the release of the pensionary benefits. Learned counsel for the petitioner submits that initially, the petitioner was paid the GPF amounting to ₹8,05,925/-, whereas as per the petitioner, he was entitled for more than the said payment made. Learned counsel further submits that though, now the total payment has been made by the respondents in September/October, 2019 i.e. after more than two years of the retirement and, therefore,

petitioner is entitled for the grant of interest on the said delayed release of payment of ₹1,36,627/-.

Learned counsel for the respondents on the other hand submits that the GPF was calculated at the time of retirement of the petitioner but it was the petitioner, who pointed out the discrepancy in the amount of GPF at a later stage, which was enquired into and ultimately, when found entitled for, the required amount has been released to the petitioner immediately without there being any delay and, therefore, question of grant of interest on the said payment does not arise.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The computation of the amount of GPF is the job of the department and not of the employee though, the employee also does calculation of his entitlement but, primarily it is the duty of the respondents to calculate the benefits in accordance with law and to release the same in favour of the employee. In the present case, the respondents by extending a sum of ₹1,36,576/- in the year 2019, has accepted the fact that the petitioner was wrongly paid his GPF at the time of retirement in the year 2017. That being so, the delay in release of a sum of ₹1,36,576/- is attributable upon the respondents.

A Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

*“In my opinion, even if the assertion made in the written*

*statement is presumed to be correct it would not disentitle the petitioner for claiming interest. The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”*

Keeping in view the above, petitioner is held entitled for interest on an amount of ₹1,36,576/- from the date of the retirement till the date it was actually released @ 6 % per annum. Let the computation of interest under this order be done by the respondents within a period of two months of the receipt of copy of this order and the amount so calculated be released to the petitioner within a period of one month thereafter.

Petition is allowed in above terms.

**May 10, 2022**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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