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

****

**CWP-1415-2021
Date of Decision: 16.03.2023**

Karnail Singh

..... Petitioner

Versus

Punjab State and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.K. Brinda, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

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<u>JASGURPREET SINGH PURI, J.</u> (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* or any other appropriate writ, order or direction thereby directing the respondents to pay interest on the delayed payment of his General Provident Fund (GPF) which has been paid to the petitioner with a delay and he is entitled for the interest on the same in view of the judgment of Full Bench of this Court passed in ***"<u>A.S. Randhawa Vs. State of Punjab and others</u>", 1997(3) SCT 468***.

Learned counsel for the petitioner has submitted that the petitioner had attained the age of superannuation on 31.05.2016 and thereafter, he was granted extension of two years in pursuance of the Notification issued by the Government for the grant of extension and thereafter, he retired on 31.05.2018, after availing the benefit of extension of two years and thereafter, immediately the file was processed by the department with regard to the payment of GPF, but without any justifiable reason, the GPF was not paid to the petitioner and now in the year 2020 i.e. of 24.11.2020, the GPF has been paid to him with delay. He further submitted that in fact the petitioner was entitled for grant of GPF from the year 2016 and it cannot be said that for the period of extension, the petitioner is not entitled for GPF, and therefore, he is now entitled for the interest on GPF from the year 2016.

On the other hand, Mr. Sandeep Chopra, learned DAG, Punjab while referring to the affidavit filed by the State submitted that so far as the prayer of the petitioner that he is entitled for the grant of GPF from the year 2016 is concerned, the same is not sustainable because it was on the request of the petitioner himself that he opted for the extension that he was granted extension for two years in view of the Notification issued by the Government for grant of extension and even otherwise also while referring to Para 2 of the affidavit, he submitted that the requisite documents/Form PF/10 was submitted by the petitioner on 17.10.2018, and therefore, it cannot be said that the petitioner was entitled for the grant of GPF in the year 2016 because he himself was aware that he was not entitled for the same from the year 2016 and it was only after he retired on 31.05.2018, he submitted the requisite form on 17.10.2018 vide Diary No.1618 to the concerned Department. He also submitted that so far as the delay which occurred after the aforesaid date i.e. 17.10.2018 is concerned, the same was only a procedural delay which has been explained in the affidavit in which it has been so stated that the complete charge was not handed over by one person, namely, Sh. Ravinderpal Singh, Senior Assistant and also because of Covid-19 Pandemic that the said GPF could not be paid in time.

I have heard the learned counsel for the parties.

The only prayer in the present petition is for grant of interest on the delayed payment of GPF. So far as the argument raised by the learned counsel for the petitioner that he attained the age of superannuation on 31.05.2016 and he was entitled for the grant of GPF from that date despite the fact that an extension was granted for two years is concerned, the same is not sustainable, particularly in view of the fact that the petitioner himself opted for the extension and all the retiral benefits were paid after the retirement i.e. on 31.05.2018 after availing the period of two years of extension. Apart from the above, as per Para 2 of the affidavit filed by the State, the petitioner himself had submitted the GPF form on 17.10.2018 and therefore, the prayer of the petitioner in this regard is totally unsustainable.

However, even if when the right to receive the GPF accrued to the petitioner in the year 2018 still the same was paid to him in the year 2020 i.e. 24.11.2020. The explanation provided by the State in the affidavit is not justifiable. The inter department difficulties cannot become a ground for delaying the grant of GPF to the petitioner, who had retired. So far as the plea taken with regard to Covid-19 Pandemic is concerned, there was an onset of the aforesaid Covid-19 Pandemic in the month of March, 2020 and there was a complete lockdown in the country but thereafter, the offices had also opened in the latter part of the year, and therefore, such a plea is also not sustainable.

In view of the above, since no justifiable explanation has come-forth from the State counsel or from the affidavit filed by the State with regard to the reasons for delay in disbursement of the GPF to the petitioner, and therefore, the present petition deserves to succeed.

Consequently, the present petition is allowed. The petitioner shall be entitled for the grant of interest on the delayed payment of GPF from the month of November, 2018 till 24.11.2020, when actually the amount was disbursed to him @ 6% per annum.

Let the aforesaid amount be calculated by the State and be paid to the petitioner within a period of four months from today.

16.03.2023 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

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