

CWP-3714-2021

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

CWP-3714-2021

Date of Decision: 16.03.2023

Balraj Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *certiorari* for quashing the impugned order dated 29.05.2020 (Annexure P-7) vide which the claim of the petitioner for grant of interest on delayed payment of retiral benefits has been rejected.

Learned counsel for the petitioner has submitted that the petitioner retired as Junior Assistant on 30.11.2017 and his retiral benefits have been paid to him with delay by the respondents. He referred to Para 7 of the petition in which date of the payments have been mentioned in a tabulated form. He submitted that he restricts the scope of the present petition only to the extent of delayed payment on GPF and so far as the delay on other retiral benefits is concerned, the same was nominal, and

therefore, he will not press with regard to the same. He further submitted that there was no justification as to why there was a delay in disbursing the GPF which was paid to the petitioner on 25.04.2019. He also submitted that vide impugned order (Annexure P-7), the only justification which has been given by the respondent/State is that the delay was due to the collection of GPF/GIS statements from various divisions in which the petitioner had previously served, it took some time for collection of required data and the calculation of final amount. He further submitted that the aforesaid justification is not a proper justification in accordance with law and therefore, it cannot deprive the petitioner from his retiral benefits in the absence of any strong reasons for the delay.

On the other hand, Mr. Sandeep Chopra, learned DAG, Punjab, submitted that since the petitioner had worked at various other places and time was consumed for collecting data from various other places which caused the delay of 1½ years, and therefore, it was only an inadvertent delay, therefore, the petitioner is not entitled for the grant of interest on the delayed payment of GPF.

I have heard the learned counsel for the parties.

The learned counsel for the petitioner during the course of arguments has restricted the scope of the present petition only to the extent of GPF and has stated that since with regard to the other retiral benefits, the delay was nominal and he is not pressing the petition with regard to the same. So far as the payment of GPF is concerned, the petitioner retired on 30.11.2017 and he has been paid GPF on 25.04.2019, after about 1½ years.

The reasoning given in Para No.6 of the impugned order vide Annexure P-7,

it is so stated that time was taken for collection of data from various divisions in which the petitioner had worked.

This Court is of the opinion that the aforesaid reason is not a justifiable reason and it was a duty of the State to have completed the entire exercise at the time of his retirement. The only prayer of the petitioner is for grant of interest on the delayed payment of GPF is justified particularly in view of the judgment of Full Bench of this Court passed in “**A.S. Randhawa Vs. State of Punjab and others**”, 1997(3) SCT 468. In the absence of justifiable reason that the delay was caused because of unavoidable circumstances, such a period of delay can not be condoned. In the absence of justifiable reasons, the petitioner certainly would be entitled for the grant of interest on the delayed payment.

Consequently, the present petition is partly allowed. The petitioner shall be entitled for the grant of interest on the delay payment of GPF from the date of its accrual till the date of its disbursal @ 6% per annum. The aforesaid amount shall be calculated by the State and paid to the petitioner within a period of four months from today. In case, the aforesaid amount is not paid within aforesaid period, then the petitioner shall be entitled for future interest @ 9% per annum instead of 6% per annum.

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

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