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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3270-2022 (O&M)
Date of Decision: 17.03.2023

Anupal Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amrik Singh, Advocate, for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing the order dated 03.11.2021 (Annexure P-4) vide which the interest on the delayed payment on the retiral benefits has been declined.

Learned counsel for the petitioner has submitted that earlier also the petitioner had filed a writ petition bearing No.16261 of 2021 in which directions were issued to the respondents to decide the representation of the petitioner for the grant of retiral benefits to the petitioner. He submitted that vide impugned order Annexure P-4 it has been so stated that the retiral benefits have been granted to the petitioner but so far as the interest part is concerned, the same has been declined without any cogent reason.

He submitted that the petitioner had retired as a Driver on

30.09.2020 and his retiral benefits were paid to him on 15.07.2021 and no justifiable reason has come forth as to why there was a delay for such a long period despite the fact that all the formalities were completed by the petitioner prior to his retirement. He submitted that a perusal of the reply which has been filed by the Administrative Department would show that it has been so stated by them that after the retirement of the petitioner, they had sanctioned the amount and immediately sent the same to the Treasury and they have shifted the onus to the Treasury and so far as the GPF payment is concerned, they have taken up a plea that he had submitted an affidavit just 22 days prior to his retirement. He submitted that a reply by the District Treasury Officer has also been filed today in the Court and a perusal of the same would show that they have also shifted the onus not only to the State but also to the Bank which is to disburse the payment. He submitted that a perusal of the reply filed by the District Treasury Officer would show that they have received the sanctioned amount in time from the Administrative Department but as per para No.5 of the affidavit, they have stated that the same was sent to the Bank on 23.04.2021. He submitted that the petitioner had retired on 30.09.2020 and the Administrative Department had sanctioned the amount but the Treasury Department of Punjab had sent the same to the Bank i.e. State Bank of India on 23.04.2021 for which there is no justifiable reason but it is only an inter-department communication and procedural lapse and these grounds cannot become a ground for the purpose of denying of interest since pensionary/retiral benefit is a Constitutional right under Article 300-A of the Constitutional of India and interest upon the same is also admissible and petitioner is entitled in view of

a Full Bench judgment of this Court in *A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)*.

On the other hand, Mr. Sandeep Chopra, learned DAG, Punjab while relying upon the affidavit filed by the Administrative Department as well as by the District Treasury which has been filed today in the Court submitted that the Administrative Department sanctioned the amount immediately after the retirement and thereafter the bills were sent to the Treasury and thereafter sent to the Bank and during this process time was consumed and therefore there is no intentional delay on the part of the respondents. He further submitted that so far as the GPF is concerned, the petitioner himself filed the requisite affidavit just 22 days before his retirement which also caused delay.

I have heard the learned counsel for the parties.

The petitioner had retired as a Driver on 30.09.2020. As per the reply filed by the respondent-State and the Treasury Officer, no justifiable reason has come forth for the delay which has not been caused at the hands of the petitioner whereas on the other hand, a perusal of the replies and the submissions made by the learned State counsel would show that the sanction was granted by the Administrative Department immediately after the retirement of the petitioner and the same was sent to the Treasury Department and thereafter the Treasury Department sent the same to the Bank and ultimately the amount was disbursed to the petitioner in the month of July, 2021. It appears that there had been a procedural lapse or inter-departmental communication between the different heads of the State which caused delay. Such kind of justification is not a good justification in

the eyes of law to justify the delay. A person who retired from service is not only entitled for the grant of benefits immediately on his retirement but he is also entitled for the disbursal of the amount on retirement within reasonable time and such procedural delay is no ground for denial of interest to the petitioner. Therefore in the absence of any justifiable ground on the part of the State, the petitioner is entitled for interest on the delayed payment.

Consequently, the present petition is allowed. The petitioner shall be entitled for interest @ 6% per annum from the date of his retirement till the date of disbursal. The respondent-State is directed to calculate the aforesaid amount of interest and be paid to the petitioner within a period of four months from today. In case the aforesaid interest amount is not paid within the aforesaid period of four months, then the petitioner shall be entitled for future interest @ 9% per annum instead of 6% per annum.

17.03.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No

: Yes/No