

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10327 of 2020 (O&M)
Date of decision : 13.03.2023

Durga Dass

..... Petitioner

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Surinder Garg, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

Mr. Jagat Vir Dhindsa, Advocate
for respondent No.4.

PANKAJ JAIN, J. (ORAL)

On 14.10.2020 the following order was passed :-

“Counsel for respondent No.4 would inform that all the benefits claimed in the petition have already been paid to the petitioner.

Counsel for the petitioner would concede to this position but would state that the issue with regard to entitlement of petitioner to get interest needs to be adjudicated upon.

In the given circumstances, respondent No.4 is directed to file short reply mentioning the dates on which the payment has been made and justifying delay, if any in making the payments.

Be listed on 12.11.2020.”

Pursuant thereto short reply by way of affidavit of Kulwant Singh, Joint Deputy Director, Local Government, Ferozepur on behalf of respondents No.1 to 3 has been filed wherein the details with respect to disbursal of terminal benefits of the petitioner have been detailed out as under :-

Amount of retiral dues			Amount of retiral dues paid		
Sr.No.	Dues	Amount	Cheque No.	Date	Amount paid
1	Gratuity (As per Gratuity Act) 59146x36x15/26=1228416	1000000.00	200939	31.10.2018	500000.00
			201250	13.03.2019	300000.00
			267063	16.05.2019	200000.00
2	Leave Encashment 59146x300=30	59146.00	267988	30.06.2020	200000.00
			268016	20.07.2020	391460.00
3	Balance amount of PF	38741.00	268016	20.07.2020	38741.00
4	Amount of PF Account	84656.00	000012	27.12.2018	84656.00
	Total	1714857.00			1714857.00

The explanation offered vide Annexure R-3 is that the payment to the petitioner was delayed owing to financial condition of the Municipal Council.

Having heard learned counsel for the parties, this Court is of the considered opinion that the explanation offered by the Municipal Council does not merit acceptance. The bare perusal of the details given reveals that the amount of leave encashment amounting to Rs.59146.00 was released after considerable delay and definitely the petitioner would be entitled for interest thereon.

Resultantly, the present writ petition is disposed off with the direction to the respondents to pay interest on leave enchashment for amount of Rs.59146.00 for a period commencing from 31.03.2019 till the actual date of realization.

Counsel for the petitioner points out that even part of gratuity amount amounting to Rs.1000000.00 was paid beyond 31.03.2019. Having considered the request made by counsel for the petitioner, this Court feels that the delay in payment thereof is not one that would invite the payment of interest.

Keeping in view the financial condition of the Council and to balance the equities, the payment of interest on the aforesaid amount is denied.

Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

13.03.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No