

232

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

CWP-16272-2017

Date of Decision: 15.02.2023

Ashok Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurabh Arora, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (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* directing the respondents to release the retiral benefits including the fixation of pension, Gratuity, Leave Encashment, General Provident Fund etc. amount due to the petitioner consequent upon passing of order dated 12.12.2014 (Annexure P-7) by respondent No.2, along with interest @ 18% per annum on the delayed payment.

Learned counsel for the petitioner has submitted that the petitioner had retired compulsorily on 12.12.2014. Thereafter, retiral benefits of the petitioner were not paid in time and due to this he had filed the present petition in the year 2017.

On the other hand, Ms. Akshita Chauha, learned DAG, Punjab while referring to the reply filed by way of affidavit of District Education Officer submitted that after the petitioner had compulsorily retired , he was

required to submit the requisite documents pertaining to the release of the pensionary benefits but the petitioner deposited the same vide letter dated 03.05.2017 and thereafter, immediately the documents were sent to the Treasury Department and vide Annexures R-10 & R-11, the entire retiral benefits which has accrued to the petitioner, had been paid to him in view of the letter dated 24.03.2018 and in this way, there was no delay on the part of the respondent-Department and in fact delay, if any, has been caused by the petitioner because he himself did not submit the documents as per the reply filed by them. She has, therefore, prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

The petitioner had compulsorily retired on 12.12.2014 and as per the reply filed by the State, he did not thereafter submit the documents pertaining to release of the retiral benefits which are pre-requisite for the disbursal of the amount and it was only on 03.05.2017 that he had submitted the requisite documents and thereafter, in March, 2018, the amount was paid. As per the affidavit, General Provident Fund was also paid to the petitioner on 02.02.2018 and Group Insurance Scheme was also paid to him by way of credit in his account.

Therefore, this Court is of the view that there was no delay on the part of the respondents-Department in disbursement of the retiral benefits and rather the petitioner did not submit the requisite documents in time.

In view of the above, the present petition is disposed of.

At this stage, learned counsel for the petitioner submitted that the petitioner may be granted liberty to file a fresh

application/representation to the respondents-Department in case any retiral benefits are not paid to him.

The liberty is granted.

15.02.2023

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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