

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CWP-24935 of 2015

Date of Decision:21.04.2023

RAJ RANI

....Petitioner(s)

Versus

STATE OF PUNJAB & ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harjot Singh Bedi, Advocate and
Ms. Vidushi Kumar, *Amicus Curiae*
for the petitioner.

Mr. Arun William, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to release the pension and retiral benefits alongwith interest @18% to the petitioner.

2. Both learned counsel, Mr. Harjot Singh Bedi, Advocate as well as Ms. Vidushi Kumar, learned *Amicus Curiae* for the petitioner have submitted that during the pendency of the present petition, all the pensionary and retiral benefits have been paid to the petitioner and now only grievance which survives in the present petition is with regard to payment of interest on the delayed payments in view of the law laid down by a Full Bench judgment of this Court in **A.S. Randhawa versus State of Punjab and others 1997(3) SCT**

468. Both the learned counsels have referred to a Chart which is at page 66 of the paper-book which gives the bifurcation of the different amounts paid to the petitioner during the pendency of the present petition giving the details pertaining to the dates on which payments of different components were received by the petitioner. The relevant porition of the same is reproduced as under:-

Sr. No.	Particulars	Period	Days
1.	GPF Payment	01.06.2015 to 31.03.2016	10 months
2.	Gratuity-I	01.06.2015 to 15.03.2016	9.5 months
3.	Pay Arrear	01.10.2014 to 15.12.2015	15.5. months
4.	Leave encashment	01.06.2015 to 21.04.2016	10.5. months
5.	Gratuity-II (Balance amount)	01.06.2015 to 21.04.2016	10.5. months
6.	Pension Arrear	01.03.2015 to 31.07.2016 (Month wise)	As per chart attached
7.	Computation	01.06.2015 to 21.07.2016	13½ months
8.	Pay Arrear (Dera Bassi)	01.10.2012 to 31.05.2016	43 months

3. On the other hand, Mr. Arun William, learned AAG, Punjab while referring to the reply filed by the respondents in the present case, submitted that it is a case where the petitioner was working as Chief Pharmacist in the respondent department and he applied for premature retirement in the year 2014 which was accepted by the Director, Health & Family Welfare vide order dated 27.02.20215 Annexure P-1. In this way, the petitioner stood retired voluntarily on 28.02.2015. Thereafter, her case for grant of pension and other pensionary benefits was prepared and sent to the office of the Accountant General, Punjab. The office of the Accountant General, Punjab on 08.10.2015 vide Annexure P-8 sanctioned the gratuity amounting of Rs.9,57,660/- and also

commutation of pension vide Annexure P-10. While further referring to the reply, he submitted that for the purpose of releasing the amount of gratuity, no dues certificate was required from the higher authorities and which was received on 23.12.2015 and accordingly the bill of gratuity was prepared and sent to the District Treasury Officer which was ultimately disbursed to the petitioner on 15.03.2016.

4. He submitted that so far as the GPF is concerned, the petitioner did not submit the requisite documents to process the case for the purpose of disbursement of the same to the petitioner. The petitioner had sent the requisite documents which were necessary for disbursement of the payment of GPF by registered post on 27.01.2016 which were received by the respondent on 05.02.2016 and thereafter the case of the GPF was processed and the same was paid to the petitioner on 31.03.2016.

5. So far as the pension and arrears of pension are concerned, the same were also sanctioned by the Accountant General and the same have been paid to the petitioner. The arrears of pension were paid on 31.07.2016 and the arrears of pay (Dera Bassi) were paid on 31.05.2016. While referring to another affidavit filed by the respondent, learned State counsel submitted that there is a delay on the part of the petitioner at certain stages and payments have been made to the petitioner after following the due procedure. He also referred to one more affidavit filed by the Senior Medical Officer Incharge, Civil Hospital, Dera Bassi in which it has been so stated that there was some oversight due to some administrative reasons and procedural processes and the delay in the payments was neither intentional nor deliberate.

6. I have heard the learned counsel for the parties.

7. The petitioner has already been paid all the retiral/pensionary benefits during the pendency of the present petition. Only grievance of the petitioner in the present case is pertaining to interest on the delayed payments. Individual components are required to be considered in the present case. So far as the component of gratuity, commutation of pension and the pension itself is concerned, as per Annexure P-8 to P10 the same were sanctioned by the Accountant General on 08.10.2015 and there is no dispute with regard to the same. Gratuity was paid to the petitioner in two parts i.e. on 15.03.2016 and 21.04.2016.

8. So far as the disbursement of gratuity of the first installment is concerned, the same was done on 15.03.2016 with the delay of five months after the sanction was made by the Accountant General and the only reason which has been given by the State is that no dues certificate was to be obtained from the head office which is only procedural in nature and therefore the delay of payment of gratuity for the aforesaid five months i.e. from 08.10.2015 till 15.03.2016 there is no justification and therefore the petitioner is entitled for the interest. So far as the second installment of the gratuity is concerned, as per learned State counsel since it was on the revised gratuity on the basis of enhancement of DA which was sanctioned in November 2015 and the revised gratuity was sanctioned in the month of January 2016 and was paid on 21.04.2016 and therefore there was no delay. Therefore, so far as the second installment of gratuity is concerned, there was no delay in disbursement of the same.

9. So far as commutation of pension is concerned, the same was also sanctioned on 08.10.2015 which was paid to the petitioner on 21.07.2016 with

a delay of about nine months for which also there is no justification come forth from the State. Therefore, the petitioner is entitled for interest for the aforesaid period of nine months from the date of sanction i.e. 08.10.2015 till the date of payment.

10. So far as the payment pertaining to pension is concerned, the same was also sanctioned on 08.10.2015 vide Annexure P-9 and the pension and the arrears of pension were paid on 31.07.2016 and again there was a delay of about nine months for which the petitioner is entitled for the interest with effect from 08.10.2015. So far as the arrears of pay are concerned pertaining to Dera Bassi, the same were paid on 31.05.2016 for which as well there is no justification for delay and therefore with regard to the aforesaid arrears of pay also the petitioner is entitled for interest with effect from 08.10.2015.

11. So far as the payment of GPF is concerned, as per learned State counsel while referring to the reply, the petitioner did not come forward for supplying the requisite documents which were necessary for disbursement of GPF and as and when she applied and provided the documents the same were paid immediately. Therefore, the petitioner is not entitled for any interest on GPF payment. So far as the leave encashment is concerned, the stand of the State is that the service book of the petitioner was required because she had served at different places. The ground taken by the State is also procedural ground which cannot become a ground for delayed disbursement after the same has already been sanctioned and it is a settled law that the procedural delay itself is no ground for delayed payment. Therefore, the petitioner is also entitled for interest on the delayed payment of leave encashment which was

paid to the petitioner on 21.04.2016 with effect from the same date i.e. 08.10.2015.

12. Learned counsel for the petitioner has submitted that the petitioner has submitted the option to pay the commutation of pension in a particular bank in the month of January 2016. Therefore, so far as the component of commutation of pension is concerned, the petitioner is entitled for the interest with effect from 01.02.2016 till 21.07.2016.

13. In view of the aforesaid position, the present petition is partly allowed and the petitioner shall be entitled for interest on the following components @6% per annum detailed of which given as under:-

Sr. No.	Components	Period	Days
1.	1 st installment of gratuity	08.10.2015 to 15.03.2016	Five months
2.	Commutation of pension	08.10.2015 to 21.07.2016	Nine months
3.	Arrears of pension	08.10.2015 to 31.07.2016	Nine months
4.	Arrears of pay	08.10.2015 to 31.05.2016	Seven months
5.	Leave encashment	08.10.2015 to 21.04.2016	Six months
6.	Commutation of pension	01.02.2016 to 21.07.2016	Five months

14. The respondents are directed to calculate the amount and pay to the petitioner within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

April 21, 2023
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Whether speaking : Yes/No
Whether reportable : Yes/No