

CWP-25828-2016

Date of Decision: 22.09.2023

Kamlesh Kumari

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Vijay Sharma, Advocate for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this petition has prayed for releasing of her dues which includes salary, gratuity, pension and has also claimed interest on the said amount at the rate of 18% per annum.

2. Reply has been filed by the respondents, wherein, it has been submitted that the petitioner superannuated on 31.12.2012. Before her retirement, she was sent a letter on 26.10.2012, to handover documents necessary for processing her pension, gratuity case and also to handover the charge of her seat, but she neither submitted the necessary documents nor did she hand over the charge. Reminders were sent to her on 28.12.2012, 31.12.2012, 06.05.2013, 09.05.2013, 22.05.2013, 03.06.2013 and 18.12.2013. However, on account of her failure to submit the necessary documents, the pension and gratuity case could not be prepared and that the delay is at her level. It has also been stated that an amount of Rs.3,27,000/- was released on account of leave encashment (which includes Rs.8,100/- in

excess) on 30.05.2013, gratuity amount after calculation and submission of papers was released on 13.05.2013.

3. In order to ascertain the exact dates on which the payments have been released, the respondents were asked to submit an affidavit and in compliance thereto, an affidavit has been filed, wherein specific dates on which payments were released, have been mentioned. Para Nos.3 and 4 of the affidavit are quoted as under:-

“That in compliance of the above stated order dated 20.04.2022, it is submitted that the pensionary benefits have been paid to the petitioner as follows:-

Sr. No.	Benefit	Amount	Date of Payment
1.	Pension	Rs.6,59,460/-	19.01.2017
2.	Gratuity	Rs.4,43,977/-	07.05.2015
3.	Leave encashment	Rs.3,27,000/-	13.05.2013
4.	Salary	Rs.9,62,315/-	24.10.2017

4. That it is further submitted that the details of payment of salary amount of Rs.9,62,315/- is as follows:-

Sr. No.	Time Period	Basic Pay	Salary (Basic+DA+HRA-MA-RRA)	No. of months	Total salary
1.	4/2009 to 7/2009	12065	21464	4	85,856/-
3.	8/2009 to	17380	25035	5	1,25,175/-

	12/2009				
4.	1/2010	17380	26425	1	26,425/-0
5.	2/1010 to 6/2010	17910	27194	5	1,35,970/-
6.	8/2011 to 12/2011	18450	32603	5	1,63,015/-
7.	1/2012	18450	33895	1	33,895/-
8.	2/2012 to 6/2012	19010	34909	5	1,74,545/-
9.	7/212 to 12/212	19010	36239	6	217434

4. Thus, this Court is satisfied that even after the petitioner submitted her documents and pension papers, there has been a considerable delay in making payments of pension and arrears of pension as well as salary for the period w.e.f. 2009 till she retired. No reasons have come forward for not releasing the petitioner’s salary for the period w.e.f. April, 2009 to December, 2012. The petitioner would, therefore, be entitled to receive interest at the rate of 9% per annum on the arrears of salary paid to the petitioner as indicated above in the table. So far as pension, gratuity and leave encashment is concerned, it is noticed that the pension papers have been submitted somewhere in the month of December, 2013, after the last letter has been issued to the petitioner on 18.12.2013. Thus, the interest at the rate of 9% per annum would be payable from January, 2014 till the date of payment for pension and gratuity. However, for leave encashment for which no documents are required, interest shall be paid from January, 2013 upto

30.05.2023 i.e. the date when payment in respect thereto was made. The writ petition is accordingly disposed of. The exercise shall be completed within a period of three months.

5. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

22.09.2023.
rajesh

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