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

**CWP-21257-2018
Date of Decision: 16.01.2023**

Norang Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Sidhu, Advocate,
for the petitioner.

Ms. Akansha Chauhan, DAG, Punjab.

Ms. Sandeep Kaur, Advocate for
Mr. H.S. Jugait, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus or any other suitable writ, order or directions, directing the respondents to release the remaining retiral dues after calculating the Commutation of Pension, Revised Pay Scale, Leave Encashment, Increments and GPF etc. in accurate form and further paid interest @ 18% per annum on account of huge delays in making the payment to the petitioner without any reason.

Learned counsel for the petitioner has submitted that the

petitioner retired as Daftri from the respondent-State on 31.01.2017 but his retiral benefits have been paid with a delay. He further submitted that the Commuted Pension was paid on 01.05.2017 with a delay of 3 months, GPF was paid on 02.11.2017 with a delay of 9 months, Leave Encashment was paid on 12.12.2017 with a delay of 10 months and DCRG were paid on 11.08.2017 with a delay of 6 months. He also submitted that no justification has come forward as to why there was a delay and it is a settled law that procedural *inter se* departmental communication does not take away the right of the employee for grant of interest on the delayed payment in case there was no fault of the employee. He has relied upon the judgment of the Full Bench of this Court passed in **“A.S. Randhawa Vs. State of Punjab and others”**, 1997(3) SCT 468. He further submitted that apart from the aforesaid grievance, the petitioner is aggrieved by the action of the respondents in reducing the basic pay after his retirement and regarding which he may be permitted to file a separate representation before the competent authority.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has referred to the reply filed on behalf of respondent Nos.1 to 3 and has submitted that so far as the aforesaid dates are concerned, the same are correct as per affidavit filed by the State but has submitted that due to procedure and sending of the bills which were received from the Treasury the delay has occurred. She further submitted that so far as the payment on the commuted value of pension is concerned, there was no delay and the same was paid on 01.05.2017 and 3 months time is a reasonable period of time during which the payments are made.

I have heard the learned counsel for the parties.

The petitioner retired on 31.01.2017. As per the affidavit filed by respondent Nos.1 to 3, the commuted value of pension was paid to the petitioner on 01.05.2017, this Court is of the view that so far as this component of pensionary benefits is concerned, there does not seem to be delay on this. However so far as the other component of pensionary benefits are concerned i.e. GPF, Leave Encashment and DCRG, the same were given to the petitioner after an elapse of 6 to 10 months and the affidavit filed by the State does not reflect any justification except that the bills were sent to the Treasury and there were some procedural aspects involved. However, such reason cannot become a ground for denial of interest to the petitioner.

In view of the above and also law laid down by the Full Bench of this Court in A.S. Randhawa's case (supra), the present petition is partly allowed. The petitioner shall be entitled for interest @ 6% per annum on the aforesaid amount i.e. GPF, Leave Encashment and DCRG from the dates of its accrual till the dates of disbursement. The said payment shall be paid to the petitioner within a period of three months from today.

So far as the other grievance raised by learned counsel for the petitioner with regard to reduction of his pay after retirement is concerned, this Court does not wish to make any observation with regard to the same as there was no specific prayer made in the present petition with regard to the same.

However, without observing anything on the merits of the grievance of the petitioner pertaining to reduction of pay, he shall be at liberty to file a representation to the concerned authority in this regard.

The present writ petition is, accordingly, partly allowed.

16.01.2023

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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