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

CWP-20030-2020

Date of decision 29.03.2023

SOM RAJ ....Petitioner

Verses

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rohiteshwar Singh, Advocate
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

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JASGURPREET SINGH PURI, J (Oral):

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 22.09.2020 (Annexure P-6) passed by respondent No.3 and directing the respondents to release the interest on the delayed payments on the pensionary benefits including gratuity, leave encashment, GPF,etc.

Learned counsel for the petitioner submitted that the petitioner had retired on 31.12.2019 and there has been delay in the payment of the pensionary benefits to the petitioner regarding which the details are given in para 8 of the writ petition. He submitted that so far as GPF is concerned (at No.4) has been paid, therefore, he does not press his claim with regard to GPF but with regard to the gratuity, leave encashment and arrears of pension, the same was released after delay of about 08 months and therefore, he is entitled for the grant of interest in view of the Full Bench judgment of this Court in ***A. S. Randhawa v/s State of Punjab 1997 (3) SCT 468.***

On the other hand, learned State counsel submitted that it is correct that the petitioner had retired on 31.12.2019 but as per the reply filed, although the pension papers were submitted by the petitioner much prior to his retirement but there was an objection from the Audit Department due to which delay was caused. He further submits that even otherwise there was onset of Covid at the end of March, 2020 and delay was caused.

I have heard learned counsel for the parties.

Learned counsel for the petitioner has confined the scope only to the extent of gratuity, leave encashment and arrears of pension. As per the reply filed by the State the petitioner had submitted the pension papers on 11th October 2019, which was much prior to his retirement. He had retired on 31st December 2019, there was an onset of Covid-19 Pandemic at the end of March, 2020 which was almost 03 months. There is no other justification which has comeforth except for the procedural delay.

In view of the above, the present petition deserves to be succeeded partly.

Consequently, the present petition is party allowed.

The petitioner shall be entitled for the grant of interest on the delayed payment for the components as aforesaid along with interest @ 6% per annum from the date of his retirement till the date of actual disbursement.

Respondent-State is directed to calculate the above and pay to the petitioner within a period of 04 months from the date of receipt of this order. In case, the aforesaid amount is not paid within the aforesaid period then the petitioner shall be entitled for future interest @ 9% per annum instead of 6% per annum.

(JASGURPREET SINGH PURI)
29.03.2023 **JUDGE**
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*