

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CWP-12078-2020 (O&M)
Date of decision: 01.05.2024

Johri Ram

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner

Mr. Arun Gupta, DAG Punjab

Mr. I.S. Sidhu, Advocate for respondent No.4

AMAN CHAUDHARY. J. (ORAL)

1. The prayer in the present petition is for quashing of order dated 12.05.2020 passed by the Commissioner, Patiala Division, Patiala and order dated 14.02.220 passed by the Tehsildar, Patran, District Patiala vide which interest on the delayed payments of death-cum-retirement gratuity has been declined.
2. Learned counsel would submit that the petitioner retired on 31.10.2018, having attained the age of superannuation, after the grant of 2 years of extension in service. However, the amount of DCRG of Rs.10,00,000/-, commutation of Rs.4,39,920/-, arrears of pension of Rs.50,000/- as also the GPF amounting to Rs.27,80,824/- were credited on 10.04.2019, after approximately 5 months of retirement and leave encashment of Rs.6,53,280 too was credited on 20.03.2019, after about 4 months. On account of the inordinate delay caused, the petitioner is entitled to the interest, as it was solely due to the fault of the respondents. Reliance is placed on the judgment passed by this Court in

CWP-15644-2016, decided on 29.02.2024.

3. Learned counsel appearing for respondent No.4-Accountant General, while washing his hands of the matter, refers to para 3 of the his short reply dated 10.11.2020, and submits that the interest is not payable by them on account of the following reason:

“3. That the department of the Petitioner i.e. Respondent No. 3 submitted the incomplete pension papers of the Petitioner vide letter No. 518 dated 30-07- 2018 and the office of Answering Deponent had return the same with certain observation vide letter dated 28-09-2018. The Copy of the same is annexed as Annexure R-4/1. The department of the Petitioner i.e. Respondent No. 3 again re-submitted the incomplete pension papers of the Petitioner vide letter No. 674 dated 21-11-2018 and the office of Answering Deponent had again returned the same to the department of the Petitioner vide letter dated 13-12- 2018. The Copy of the same is annexed as Annexure R-4/2. Thereafter, the department of the Petitioner i.e. Respondent No. 3 submitted the complete pension papers of the Petitioner vide letter No. 738 dated 27-12-2018 vide annexed as Annexure R-4/3. The office of Answering Deponent authorized the pension, gratuity and commutation of pension on 31-01-2019 i.e. about one month after getting the complete papers from the department of the Petitioner. The Copies of the same are annexed as Annexure R-4/4 to R-4/6. In this regard, no cause of action has arisen to the Petitioner against the office of Answering Deponent. As such, Petitioner is not entitled to claim any interest from the office of the Answering Deponent. Moreover, in terms of Rule 9.13 of Punjab Govt. Notification dated 12.11.1984 Annexure-R-4/7, payment of interest on the delayed payment is to be considered and allowed by the administrative department of the petitioner.”

4. Per contra, learned State counsel also refers to para No.7 of the short reply dated 01.04.2024, filed on behalf of respondent Nos.1 to 3, which reads thus:

“7. That in reply to para no.7 of the writ petition it is submitted that in routine work the bills are usually prepared which takes time in routine work which always are submitted in the Government Treasury and there too also some time takes for My passing the bills, and amount is usually released accordingly. There is no delay of any type as claimed by the petitioner. The official of the respondents in routine do all the

official work sand in discharge of official duties all the work are done smoothly. From the office of Commissioner the GPF was sanctioned on 30.11.2018 and the bill was sent on 10.12.2018 and after due checking it was returned back and was not sanctioned and it was stated to send the same in new financial year and on 8.4.2018 the Bill was sent to Patran and on 10.4.2019 the payment was released and as such there is no delay as claimed by the petitioner.” (emphasis supplied)

5. Heard.

6. Notably, the issue at hand is pertaining to the delay in release of the retiral benefits, on account of the matter which remained oscillating between the Department and respondent No.4. In **Vijay L. Mehrotra vs. State of UP**, 2001 (9) SCC 687, it was held that in case there being no justification or reason for delayed payment of retiral benefits, interest would be payable. Thus, the petitioner herein, who got caught in the crossfire between the two, cannot be denied interest as sought for.

8. In **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, this Court expressed that where a certain amount, belonging to an employee, was retained and utilised by the respondents and thus released on a later date, then interest has to be paid to him in such a case.

9. While directing the concerned department to pay interest at the annual rate of 6%, to those who received the arrears on revised pension belatedly, it was observed in **Jharkhand Retired University Teachers Association vs. State of Jharkhand**, 2021 (4) JLJR 681, that, “So far as claim for payment of statutory interest accrued upon arrears of revised pension is concerned, this Court is of considered view that due to discriminatory approach adopted by the respondent-state, the Petitioners have been subjected to hardship and have suffered monetary loss which makes respondents liable to pay interest on the due amount at an appropriate rate to compensate the petitioners.”

10. On a conspectus analysis of the facts, in light of the afore-referred judgments, the present petition stands disposed of by directing respondent No.1 to pay the interest to the petitioner at the rate of 6% per annum as released to him from the date they fell due, till were realised and liberty is granted to the it to settle separately with respondent No.4. Needful be done within a period of two months.

(AMAN CHAUDHARY)
JUDGE

01.05.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No