



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-27181-2016
Date of decision : 10.09.2024

Ram Singh and othersPetitioners

V/S

Financial Commissioner and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. P.S. Khurana, Advocate with
Mr. Navrajdeep Singh, Advocate for the petitioners.

Mr. Surya Kumar, A.A.G., Punjab.

Mr. Anupam Singla, Advocate for respondents No.2 & 3.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the pending retiral dues such as gratuity, GPF, commutation of pension and arrears of pay revision w.e.f. 01.01.2006 along with interest @ 12% per annum.
2. In para 7 of the written statement filed on behalf of respondents No.2 & 3, it has been stated as under :-

“7. That in compliance of the Order no.492 dated 22.11.2017, the necessary benefits have been released to the petitioners and nothing stands due against the present respondents. The following amounts towards retiral dues have been paid to the respondents :-

Sr. No.	Name of employee/ PPO Number	Gratuity (In Rs.)	Leave Encashment (In Rs.)	Balance of revised pay arrears	Interest (In Rs.)	Commuted Pension (In Rs.)	D.A. (In Rs.)



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				w.e.f. 01.01.20 06 (In Rs.)			
1.	Ram Singh 2724	315365/- paid + 33742/- Difference of Gratuity also paid	211580/- paid	34350 + 77478 paid	4209 paid 04.01.2012	Total commuted pension Rs.310662- 205425 (recovery) = 105237 paid (w.e.f. 01.11.2008 to 30.09.2015	Rs.18060 paid
2.	Gurmail Singh 2676	340956/- paid. 43378 + 198 Difference of Gratuity also paid	131217/- paid	4357/- + 84851/- paid	1609/- paid 28.05.2010	Payment of 46446/- of commute pension has been made in four installments dated 31.10.2015, 29.01.2014, 03.04.2014, 22.05.2014	21449/- + 5698/- paid
3.	Karnail Singh 3264	413580/- paid. 6780 Difference of Gratuity also paid	271200/-	57250/- + 34350/- paid	Payment of interest is yet to be paid	Total commute pension Rs.333500- 189240 (recovery) = 144260 paid (w.e.f. 01.04.2016 recovery of 3320/- initiated)	12914/- paid

3. It is the stand of respondents No.2 & 3 that all the necessary benefits have been released to the petitioners and nothing is due.

4. The case was heard by the Coordinate Bench of this Court on 02.02.2023 and the same was adjourned on the request of learned counsel for the respondents to explain the recoveries made from the terminal benefits of the petitioners.

5. In pursuance to the said order, an additional affidavit of Mohinder Pal Singh, General Manager, PRTC, Ludhiana, on behalf of respondents No.2 & 3, has been filed. In para 3 of the said affidavit, it has been stated as under :-

“3. That the recoveries from the commuted value of

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pension was made from the petitioners as the said amount had already paid by the respondent corporation to the petitioner in the shape of monthly pension. It is further submitted that the petitioners were paid 100% amount of pension at the time of their retirement and in case they would have been paid the commuted value of pension immediately after the retirement then they would have been entitled to 60% of the pension amount as 40% would have been paid in advance in the shape of commuted value of pension. Therefore, when the commuted value of pension was paid to the petitioner then the amount, which was already been paid from the date of retirement till the date of payment of commuted value of pension, has been deducted.”

6. Learned counsel for the petitioner submits that although, petitioners No.1 & 2 have been paid the interest amount as mentioned in the reply filed on behalf of respondents No.2 & 3, however, petitioner No.3 has not been paid the interest.

7. Learned counsel for respondents No.2 & 3 submits that if the interest amount has not been paid to petitioner No.3, the same shall be paid within a period of 02 months from today.

8. In this view of the matter, since all the retiral dues of the petitioners have been released including the commutation of pension, the instant petition has been rendered infructuous and the same is disposed of accordingly.

10.09.2024*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No