



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

CWP-20959 of 2022 (O&M)
Date of decision: 29.10.2024

Jaswinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

CM-13095-CWP of 2024

1. This application has been filed under Order 41 Rule 19 read with Section 151 CPC for restoration of the writ petition, which was dismissed for non-prosecution on 09.08.2024.
2. Notice in the application.
3. Mr. Teevar Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and has no objection to the prayer made in the application.
4. For the reasons mentioned in the application, same is allowed. Order dated 09.08.2024 is recalled and the petition is restored to its original number.

**CWP-20959 of 2022**

1. Instant petition has been filed under Article 226 of the Constitution of India for issuance of writ of *certiorari* quashing the order dated 07.07.2020 (Annexure P-4); order dated 09.11.2020 (Annexure P-5) and order dated 22.07.2021 (Annexure P-6) only to the extent whereby gratuity payable to the petitioner has been limited to Rs.10 lakhs. Further, writ of *mandamus* directing the respondents to pay the balance amount of gratuity of Rs.3,96,912/- along with interest @ 18% from the date of retirement till its actual payment and to pay the arrears of revised gratuity, revised leave encashment along with interest @ 18% per annum from the date of notification of the Punjab Civil Services (Revised Pay) Rules, 2021 till its actual payment and to pay the leave travelling concession along with interest @ 18% per annum from the date same became due till its actual payment.

2. Admittedly, the enhanced gratuity amount of Rs.6,95,330/- has been paid to the petitioner on 16.05.2023. Similarly, enhanced leave encashment of Rs.1,32,630/- has also been paid to the petitioner on the same day. It is the case of the respondents that the amendment made to the Payment of Gratuity Act has been adopted by the State Government vide letter dated 22.12.2022 (Annexure R-1/2). Learned counsel for the petitioner claims interest on the abovesaid two payments. However, the said claim has been opposed by the learned counsel for the respondents by stating that after the amendment in the Payment of Gratuity Act was adopted by the respondents, the amount has been released within a period of five months to the petitioner.



3. Since there is no considerable delay in release of abovesaid retiral dues to the petitioner, no case is made out for grant of interest on the said payments.

4. Disposed of accordingly.

29.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No