



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

CWP No.5661 o 1998 (O&M)

Reserved on: 03.02.2025

Pronounced on: 05.02.2025

Ram Chander Singh

....Petitioner

VS.

Haryana State through Secretary to Government of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mani Ram Verma, Advocate
for the petitioner

Mr. Raman Sharma, Addl.A.G, Haryana

Mr. Jagdish Manchanda, Advocate
for respondents No. 4 and 5

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner retired as Octroi Peon on 30.11.1993. He filed the instant petition before this Court alleging that he has not been paid retiral benefits despite expiry of five years.

2. Notice of motion came to be issued and this Court on 01.06.1999 passed interim order directing the respondents to finalise petitioner's claim for release of all the benefit within a period of one month from the date of receipt of the said order. It was further directed that there

would be liability of interest with effect from 01.01.1994 till the date of



actual payment. The operative part of order dated 01.06.1999 is reproduced as below:-

“.....We have heard Mr. Manchanda, the learned counsel for respondent-4. The learned counsel is unable to justify the inordinately long delay of more than 5 years in the release of the retiral benefits. Admittedly the petitioner was a low-paid employee. He had retired on attaining the age of 60 years. The retiral benefits were arbitrarily withheld. We direct the respondents to finalise the petitioner's claim for the release of all these benefits within a period of one month from the receipt of a copy of this order. Whatever is found due shall be paid along with interest @ 12% p.a. w.e.f. January 1, 1994 till the date of actual payment. In case of failure to make the payment within the aforesaid period, the petitioner shall be entitled to the grant of the benefits alongwith interest @ 18% p.a.

The case is adjourned to 30.07.1999.”

3. The petitioner was paid all the dues, however, counsel for the petitioner submitted that petitioner is also entitled to Additional DA. The petition was admitted by a Division Bench on 30.07.1999. The matter, time and again, came up for consideration before this Court and dispute remained confined to actual date of payment because delay in payment entails liability of interest as per order dated 01.06.1999 passed by Division Bench of this Court.

4. Affidavit of Raja Ram, Executive Officer, Municipal Council, Bhiwani is taken on record. Registry is directed to tag the same at an appropriate place.



5. Mr. Jagdish Manchanda, Advocate pointing to paragraph No. 3 of the affidavit submits that payment of gratuity and provident fund has already been made. The petitioner was not entitled to arrears of Additional DA and GIS because he was on leave without pay till the date of his retirement. Paragraph No. 3 of the affidavit is reproduced as below:-

“3. That the deponent is submitting the reply by way of affidavit and tendering his unconditional apology for not mentioning the payment of amount of retiral benefits as head wise. The deponent was remain on leave from 03.11.2024 till 11.12.2024 due to religious work as he was away alongwith his family since 5.11.2024 as well as sought permission to leave the station from 5.11.2024 to 10.11.2024. The deponent further informed to the District Municipal Commissioner, Bhiwani that due to his ill health, he could not come and sought permission for leave etc. which has been allowed. The deponent could not attend the office due to high sugar level and other health problem from 13.11.2024 to 22.11.2024. Although the deponent has joined the offence on 11.12.2024 and submitting the present reply to the show cause notice issued by this Hon'ble Court. The deponent has received the show cause notice and submitting the present reply by giving the true facts that the heads as well as amount were not given inadvertently as the total pensionary benefits have been paid to the deceased petitioner, which are mentioned as under:-

- 1. The gratuity amounting Rs.10.414/- alongwith interest Rs.3373/- was paid in December, 1996.*
- 2. The provident fund amounting Rs.7,086/- had been paid on 17.06.1997.*



3. The employee was on leave without pay since June, 1990. Therefore, there is no arrear of ADA.

4. GIS has not been deducted from the monthly salary of the employee because the employee was on leave without pay till the date of retirement on 30.11.1993. Therefore, the benefit of GIS could not be given.

It is pertinent to mention here that the deponent has already mentioned with regard to retirement of the petitioner due to his illness as well as payment of PF, Gratuity has been made in para Nos.3 to 5: but the date of paying the PF has not been mentioned in the earlier affidavit, Nothing has been concealed by the deponent in the earlier affidavit. Moreover, the petitioner himself admitted that the Provident Fund, Gratuity etc. has already been paid; but with some delay, which can be seen from para No.5 of the writ petition.”

6. From the arguments of both sides and paragraph No. 3 of the affidavit, it is evident that gratuity was paid in December'1996 and in view of order dated 01.06.1999, there was delay, thus, respondent was liable to pay interest. The respondent has paid interest amounting to Rs. 3,373/- on the amount of gratuity. The provident fund was paid on 17.06.1997. It is well known that provident fund unless and until withdrawn carries interest, thus, there is no question of further payment of interest on provident fund. The petitioner was denied arrears of Additional DA and GIS because he was on leave without pay till the date of retirement and no deduction from his salary with respect to GIS was made.



7. The claim made by petitioner is disputed by respondent. The petitioner retired on 30.11.1993 and thereafter passed away on 12.08.1999. The claim of petitioner qua ADA and GIS is disputed by respondent and this Court in exercise of writ jurisdiction cannot adjudicate disputed question of facts especially when matter relates to three decades back.
8. The petitioner has already been paid undisputed amount, thus, no further order is warranted.
9. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.02.2025
paramjit

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