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

-:-

**CWP-3613-2023 (O&M)
Date of Decision : 28.04.2026**

Harmail Singh

....Petitioner

VERSUS

State of Punjab and Others

....Respondents

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sanjeev Goyal, Advocate and
Mr. Uday Goyal, Advocate for the petitioner.

Mr. Tejinder Pal Singh Walia, AAG Punjab.

KULDEEP TIWARI J. (Oral)

1. Through the instant petition, a prayer for issuance of directions, upon the respondents to pay the interest @ 18% per annum on the delayed payments of retirement benefits of the petitioner has been made.
2. In order to find out, as to whether, there is any delay on the part of the respondents in making payment of retiral benefits, it is imperative to have glimpse upon the some relevant facts. The petitioner stood retired on 31.05.2021. However, undisputedly he filed complete papers and application in a requisite format only on 15.09.2021 i.e. after his retirement. Immediately thereafter, in order to give some financial relief to the petitioner, vide order dated 21.09.2021, amount for leave encashment of the petitioner was paid to him and on dated 30.09.2021, out of Rs.35,31,174/- on

account of GPF was paid to him, however, this delay was due to some objections raised by the Treasury Officer. Furthermore, amount of Gratuity could not be cleared within the financial year 2021-22, due to some objections, and the sanction issued for payment of Provisional Gratuity got lapsed. A revised sanction for payment of Provisional Gratuity to the petitioner was issued by the office of Chief Engineer, on 05.05.2022. The bill for payment of Provisional Gratuity was submitted to the District Treasury, Patiala on 06.05.2022 and the payment of Rs.9,00,000/- out of total 15.45,000/- was made to the petitioner on 07.06.2022, and the rest of the payment i.e. Rs.6,45,000/- was made to him on 01.10.2022.

3. In view of the above, this Court can safely conclude that, there is delay only in making payment with regard to the gratuity amount, and this delay is clearly on the pretext of *inter-se* department communications. For that purpose only, the petitioner is entitled for payment of interest, which this Court quantifies as 6%. The interest of 6% is payable to the petitioner from 21.09.2021 till the date when the actual payment of gratuity amount was made.

4. The second issue that arises for consideration for this Court, pertains to the petitioner's claim for leave encashment. Learned counsel for the petitioner submits that on account of the grant of ACP, the leave encashment is required to be re-calculated on the basis of the enhanced pay. It is contended that no such exercise has been undertaken by the respondents.

5. Accordingly, the present petition is **disposed of** with a direction in the nature of *mandamus* to the respondents to re-assess the amount

of leave encashment in light of the enhanced pay, as per the ACP pay scales.

The said exercise shall be carried out within a period of six weeks from the date of receipt of a certified copy of this order.

6. Pending application(s), if any, is/are disposed of.

April 28, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No