(2011) 05 SHI CK 0143

In the High Court Of Himachal Pradesh

Case No : CWP No. 5222 of 2010

Panno Devi — APPELLANT

Vs

State of H.P. and Others — RESPONDENT

Date of Decision : 05-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0143

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The only question which arises in this case is whether the Petitioner is entitled to interest on the delayed payment of gratuity and provident fund or not.

2. The husband of the Petitioner was employed as Beldar and retired from service on attaining the age of superannuation on 30.6.2005. His retiral benefits were not paid to him. Unfortunately Sh. Bhagat Ram, husband of the Petitioner died on 30.6.2006. After his death, out of his G.P.F, a sum of Rs. 55,855/- was paid. Thereafter, the Respondents paid gratuity to the Petitioner in respect of her husband amounting to Rs. 28,947/- much after the death of her husband. The Petitioner by means of this petition prayed that the Respondents be directed to pay the balance G.P.F of Rs. 50,000/- and also claimed interest on the G.P.F and gratuity paid late.

3. The Respondents in their reply state that the gratuity was paid to the husband of the Petitioner during his life time on 20.8.2005. However, as far as Provident Fund Account is concerned, Respondents admitted that out of the total G.P.F of Rs. 1,05,855 an amount Rs. 55,855/- was paid on 30.7.2007 and balance amount of Rs. 50,000/- on 8.9.2010 after the petition was filed.

4. There is no explanation for the delay in making the payment of the Provident Fund. A person who is forced to come to Court to get his legitimate estimate cannot be denied interest on the amount which fell due to him. Normally, the

Provident fund should have been given to the husband of the Petitioner immediately on the retirement and at the most within three months of his retirement. The State is liable to pay interest on the delayed payment thereafter. Since the husband of the Petitioner retired on 30.6.2005 the Respondent-state could have delayed the payment till 30th September, 2005. Therefore, they are liable to pay interest @ 9% per annum w.e.f 1.10.2005 till the two installments of G.P.F were paid.

5. The petition is allowed in the aforesaid terms and it is directed that the Respondents shall have to pay interest to the Petitioner on the delayed payment of G. P.F @ 9% per annum w.e.f 1.10.2005 till the provident fund was paid . The interest be paid latest by 31st October, 2011 failing which the State still be liable to pay further interest on this amount at the same rate.

6. The petition is disposed of in the aforesaid terms. No costs.