

(2012) 09 P&H CK 0235

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11384 of 2011

Sube Singh

APPELLANT

Vs

UHBVNL and Others

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Citation : (2013) 3 SCT 644

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Advocate : Ajit Malik, for the Appellant; Narender Hooda with Mr. Praveen Gupta, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—By filing this petition, the petitioner, who retired from service on 31.10.2008, has sought issuance of a writ in the nature of mandamus, directing the respondents to release his pension and other retiral benefits. In preliminary submissions of the written statement filed on behalf of respondent No. 5, following defence has been taken:--

That the aforesaid Civil Writ Petition has become infructuous since then as all the retiral benefits like pension, gratuity and commutation of pension have been released vide cheque No. 805882 dated 16.09.2011 amounting to Rs. 10,54,751/-. It is an admitted case of the petitioner that the payment towards G.P.F. has already been received by him. Further the payment towards leave encashment amounting to Rs. 2,63,501/- has also been earlier released vide cheque No. 34566 dated 15.12.2009. thus in this manner, all the retiral benefits have been duly paid to the petitioner and therefore, the present writ petition has become infructuous.

2. Counsel for the petitioner could not dispute the fact that all the retiral benefits of the petitioner have been released. However, he states that the pensionary benefits i.e. gratuity and commutation of pension have been released after a

considerable delay and therefore, he is entitled to interest thereon, as the aforesaid retiral benefits have been denied to him without any fault on his part. However, a perusal of the writ petition would show that no such prayer for grant of interest has been made on behalf of the petitioner.

3. Faced with this situation, counsel for the petitioner wishes to withdraw the present petition with liberty to make a representation to the respondents for grant of interest on the delayed payment of gratuity and commutation of pension to him.

4. With the aforesaid liberty, this writ petition is dismissed as withdrawn. In case any such representation is made on behalf of the petitioner within one month from today, the same shall be decided by the respondents in accordance with law.