

(2010) 10 SHI CK 0034

High Court of Himachal Pradesh

Case No: CWP (T) No. 3700 of 2008

Jagdish Saran Kanihal

APPELLANT

Vs

State of Himachal Pradesh and
Others

RESPONDENT

Date of Decision: Oct. 28, 2010

Hon'ble Judges: Kurian Joseph, C.J; V.K. Sharma, J

Bench: Division Bench

Judgement

Kurian Joseph, C.J.

In the reply furnished by the fourth Respondent, it is stated at para 6(vii) as follows:

In reply to this sub para it is respectfully submitted that pension case of the applicant who was retired on 30.6.95 was received from Principal Police Training School, Junga vide his letter No. 2450 dated 10.3.95. Accordingly, all admissible pensionary benefits viz. superannuation pension @ Rs. 113/- p.m. payable w.e.f. 1.7.95 and death-cum-retirement gratuity amounting to Rs. 38,115/- were reported by the replying Respondent vide his letter No. 883-84 dated 18-7-1995(copy enclosed as annexure-R-4/1. Thus, the replying Respondent had reported the pensionary benefits timely and there was no delay on the part of the replying Respondent. The payment of Death-cum-retirement gratuity was to be made by the department and reasons as to why the payment of gratuity was delayed till 15.1.96 is known to the department.

2. Thus, it is seen from the reply that the case with regard to the disbursement of pensionary benefits was submitted to the Department on 18.7.1995 and yet the same were disbursed only on 15.1.1996. There is no reply on behalf of Respondents No. 1 to 3.

3. In view of the above circumstances, there will be a direction to Respondents No. 1 to 3 to grant benefit of interest w.e.f. 1.8.1995 to 15.1.1996 @ 7% to the Petitioner within a period of three months from the date of copy of production of this

judgment by the Petitioner.

4. With these observations, the writ petition is disposed of, so also the pending application(s), if any.