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A consultancy firm to provide help for the problems of govt. employees & retired pensioners

PERFORMA (ENGLISH CAPITAL LETTERS)

Writ Regarding 9% Interest On Retirement Benefits Paid Beyond 3 Months After Retirement

Name	
Father's Name	
Designation	
School / Office Name	
School/Office Email Address (If Any)	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment	
Date Of Regular	
Date Of Retirement	
Retirement Benefit Paid After 3 Months	
Mobile Number	
Whats App Number	
Email Address	
Residence Address	
Signature	

Important Points:-

1. Send one copy of performa by whatsapp and one by post.
2. Send one copy of Power of Attorney by whatsapp and one by post.
3. Send one copy of Aadhar Card by whatsapp and one by post.

Paytm Payment Mobile Number:- 9915031482
Google Pay Payment Mobile Number:- 9915031482
PhonePe Payment Mobile Number:- 9915031482

State Bank of India Budhlada
Distt. Mansa(Punjab)
Current A/c No.39453963229
In Favour of: Krishana Consultancy
IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

POWER OF ATTORNEY

In the Court of

..... [Plaintiff/Appeallant
Complainant
Petitioner

VERSUS

..... [Defendant
Respondent,
Accused

KNOW ALL to whom these present shall come that I/We undersigned appoint

for the in the above mentioned case to do all the following acts deeds and things or any of them that is to say :-

1. To act appear and plead in the above mentioned case in the court or any other Court in which the same may be tried or heard in the execution or in any stage of its progress until its final decision.
2. Present pleading appeals letter patent appeal cross objection or petitions for execution review, revisions withdrawal compromise or other petitions or affidavit or other documents as shall deemed necessary or advisable for the prosecution of the said case in all its stage.
3. To file and take back documents and to file application for restoration there of in case it is dismissed in default.
4. To withdraw or compromise the said case or submit for arbitration any difference or disputes that shall arise touching or in any manner relating to the said case.
5. To deposit draw any receive money and grant receipt there of and to do all other acts and things which may be necessary to be done for the progress and in the case of prosecutions of said case.
6. To employee and other legal practitioner authorising him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of said for hearing case in consequence from the court when the said case is called up or for any negligence of the said Advocate or his substitute.

And I/We hereby agree that in the event of whole or any part of fee agreed by me to be paid to the Advocate, remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid if any costs are allowed for an adjournment the advocate would be entitled to the same.

IN WITNESS WHERE OF I/We agree to set my/our hands to the represent the contents of which have been explained to understand by me/us this the

.....day..... 20.....

(Signature or Thumb Impression of client)

Accepted :



KRISHANAhelp

Dr. Krishan Lal

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3 ਮਹੀਨੇ ਤੋ ਬਾਅਦ ਮਿਲਣ ਵਾਲੇ ਰਿਟਾਇਰਮੈਂਟ ਲਾਭਾ ਤੇ 9% ਵਿਆਜ ਲੈਣ ਲਈ ਸੰਪਰਕ ਕਰੋ ।

ਪੰਜਾਬ ਸਰਕਾਰ, ਨਗਰ ਕੌਂਸਲ, ਮਿਊਂਸਪਲ ਕਾਰਪੋਰੇਸ਼ਨ, ਪੰਜਾਬ ਰੋਡ ਟਰਾਂਸਪੋਰਟ ਕਾਰਪੋਰੇਸ਼ਨ, ਹੋਰ ਵਿਭਾਗਾਂ ਅਤੇ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਦੇ ਕਰਮਚਾਰੀ ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ 3 ਮਹੀਨੇ ਬਾਅਦ ਮਿਲਣ ਵਾਲੇ **Retirement Benefit** ਦੇ ਬਕਾਏ ਜਿਵੇਂ **Commutation, Leave Encashment, Gratuity, G.P.F.** ਉਪਰ 9% ਸਲਾਨਾ ਵਿਆਜ ਲੈਣ ਲਈ ਸੰਪਰਕ ਕਰਨ ।

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6472 of 2012

Date of Decision : April 04, 2012.

Chander Wati

..... **Petitioner**

versus

State of Punjab and others

..... **Respondents**

CORAM : HON'BLE MR.JUSTICE SURYAKANT.

Present : Mr.Ashish Gupta, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant. J. (Oral)

Notice of motion to respondents No.1 & 2 only at this stage.

Mr.G.S.Cheema, learned Senior Deputy Advocate General, Punjab, accepts notice on their behalf.

Let two copies of the writ petition be supplied to the learned State counsel during the course of day failing which the order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which I propose to pass, neither there is any need to issue notice to respondent No.3 nor any necessity to seek counter-reply from respondents No.1 & 2 at this stage.

The petitioner's husband was working as a Safai Sewak on regular basis in the Municipal Council, Kot Kapura when he unfortunately passed away on 3.6.2010 while in service. The petitioner who has been paid a meager amount of Rs.2,55,000/- only towards ex-gratia, is forced to approach this Court for the release of other service and terminal benefits like Leave Encashment, Gratuity, Medical Reimbursement, Provident Fund amount, Ex-gratia, family pension, arrears of revised pay, pension etc. The

petitioner has also served the respondents with a legal notice dated 21.12.2011 (Annexure P-2).

Since the Executive Officer, Municipal Council, Kotkapura in his reply dated 9.1.2012 to the legal notice has stated that the financial condition of the Municipal Council, Kotkapura is very weak, it is directed that no official vehicle shall be provided to the President/Executive Officer or any office bearer of the Municipal Council, Kot Kapura and that no travelling expenses shall be incurred by them for any purpose. The Presiding being a public representative, shall continue to donate his time for the public cause without causing any expenditure on the Municipal Council budget in the wake of the financial crises being faced by the Municipal Council. The Director, Local Bodies, Punjab, shall take an appropriate policy decision in this regard within a period of two weeks from the date of receiving a certified copy of this order.

Having heard learned counsel for the parties, I am of the considered view that in the absence of any legal impediment, it was imperative upon the respondents to come forward promptly and extend their helping hands to the petitioner in the hours of crisis suddenly faced by her due to untimely death of her husband. The respondents have unfortunately acted apparently in an insensitive manner forcing the petitioner to approach this Court.

The writ petition is accordingly disposed of at this stage with a direction to the respondents to determine all the monetary benefits to which the petitioner is entitled to under law/rules and release the same on or before 31.5.2012 alongwith interest @ 9% per annum w.e.f. 1.9.2010 onwards. It is directed that the due benefits be released upto 31.5.2012, otherwise there shall be a cost of Rs.300/- per day to be personally recoverable from the Executive Officer, Municipal Council, Kot Kapura for which no reimbursement by the State Government or Municipality shall be permitted.

Ordered accordingly. *Dasti.*

CWP No.6472 of 2012

[3]

Let a copy of this order be given dasti to Mr.G.S.Cheema, learned Senior Deputy Advocate General, Punjab, for information and necessary compliance.

April 04, 2012

Mohinder

(SURYA KANT)

JUDGE



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6568 of 2012
Date of Decision : April 04, 2012.

Mahindra**Petitioner**
versus
State of Punjab and others**Respondents**

CORAM : HON'BLE MR.JUSTICE SURYAKANT.

Present : Mr.MJS Bedi, Advocate, for the petitioner.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion to respondents No.1 to 3 only at this stage.

Mr.G.S.Cheema, learned Senior Deputy Advocate General, Punjab, accepts notice on their behalf.

Let three copies of the writ petition be supplied to the learned State counsel during the course of day failing which the order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which I propose to pass, neither there is any need to issue notice to respondent No.4 nor any necessity to seek counter-reply from respondents No.1 to 3 at this stage.

The petitioner after serving as a Safai Sewal on regular basis with the respondent-Municipal Council, Rampura Phul, District Bathinda, retired from service w.e.f. 28.2.2011. The petitioner avers that even after a lapse of more than a year, his retiral benefits including, gratuity, leave encashment, provident fund, pension, medical benefits etc. have not been paid, forcing him to approach this Court. The afore-said benefits have not been released to the petitioner despite a legal notice dated 15.12.2011 (Annexure P-1) served on his behalf.

Having heard learned counsel for the parties, I am of the considered view that in the absence of any legal impediment, it was imperative upon the respondents to come forward promptly and extend their helping hands to the petitioner after his retirement but the respondents have unfortunately acted apparently in an insensitive manner forcing the petitioner to approach this Court.

The writ petition is accordingly disposed of at this stage with a direction to the respondents to determine all the monetary benefits to which the petitioner is entitled to under law/rules and release the same on or before 31.5.2012 alongwith interest @ 9% per annum w.e.f. 1.5.2011 onwards. It is directed that the due benefits be released upto 31.5.2012, otherwise there shall be a cost of Rs.300/- per day to be personally recoverable from the Executive Officer, Municipal Council, Rampura Phul and the Deputy Director, Local Bodies, Punjab, Bathinda, proportionally for which no reimbursement by the State Government or Municipality shall be permitted.

The Director, Local Bodies, Punjab is also directed to take a uniform policy decision for withdrawal of facilities like official vehicle or other perks of the President, other office bearers and Executive Officer of those Municipal Councils who are unable to pay the salary or retiral benefits of their employees due to paucity of funds. Such a decision shall be taken within a period of two weeks from the date of receiving a certified copy of this order.

Ordered accordingly. *Dasti*.

Let a copy of this order be given dasti to Mr.G.S.Cheema, learned Senior Deputy Advocate General, Punjab, for information and necessary compliance.

April 04, 2012

Hobinder

(SURYA KANT)
JUDGE

Retd employees to get 9 pc interest on late payment: HC

SAURABH MALIK
TRIBUNE NEWS SERVICE

CHANDIGARH, DECEMBER 14

Ruling that the delay in disbursement of retirement benefits lacked rationale, the Punjab and Haryana High Court has held that superannuated government employees deserved the grant of interest on late payment.

The ruling by Justice Jaspal Singh came on eight petitions filed by Darshan Singh and others against Punjab, Punjab Water Resources Management and Development Corporation Limited, the Food Corporation of India and other respondents.

Referring to instructions issued more than 25 years ago by the state Department of Finance, Justice Jaspal

'No justification for delay'

Justice Jaspal Singh said there was no reason or justification for delayed disbursement of the benefits. He said the respondents — at the most — could have taken three months from the date of retirement. During the period, the benefits should have been disbursed.

Singh ruled that 9 per cent annual interest was to be paid on delayed payment of pension and death-cum-retirement gratuity for the period beyond three months after the benefits become due.

The petitioners were seeking directions to the respondents to release pensionary benefits, arrears of pension and DA, along with grant of interest on the delayed payment of retirement dues, including gratuity, leave



encashment and arrears of pay. Justice Jaspal Singh said the only question requiring determining was whether the petitioners deserved the grant of interest on delayed payment of various retirement benefits.

"The answer to this question is in the affirmative in view of service rules and instructions as well as various judgments of this court and the apex court."

Justice Jaspal Singh assert-

ed there was no reason, what to talk of plausible reason or justification, for delayed disbursement of the benefits.

Putting to rest the controversy over the period in which the retirement benefits were required to be disbursed, Justice Jaspal Singh added that the respondents — at the most — could have taken three months from the date of retirement. During the period, the benefits should have been disbursed.

Justice Jaspal Singh asserted the court was of the view that grant of 9 per cent annual interest on the delayed payment after expiry of three months from the date of retirement till the payment was legally and factually justified.

Annexure P-1

No. 1/15/89-1FP/III/4225

Govt. of Punjab

Department of Finance

(Finance Personnel III Branch)

Dated, Chandigarh the 10th May, 1990

To

The Heads of Department,

The Registrar, High Court of Punjab & Haryana

The Commissioner of Divisions,

The District and Sessions Judge and

The Deputy Commissioners in the state.

Subject: Payment of Interest and delayed payment of pensionary benefits made beyond three months.

Sir,

I am directed to invite a reference to Government of Punjab letter No. 16/68/79-FR(6)/11760, dated the 21st November, 1984 vide which interest at the rate of 7% and 10% per annum is payable on delayed payment of Death-cum-Retirement Gratuity made beyond three months and one year respectively and to say that on the recommendations of the 3rd Punjab Pay Commission, the President of India is pleased to decide that interest at the rate of 9% shall be paid on all delayed payment of pension and D.C.R.G. for the period beyond three months after these benefits become due to the end of the month preceding the month in which the orders for making actual payments are issued to the pensioners concerned. This interest will be payable only on the initial payment of above said pensionary benefits including arrears payable on account of difference between provisional pension and final pension.

2. Nothing contained in this letter will apply to the payment of arrears of gratuity which may become due as a result of enhancement of the emoluments

after retirement of liberalization of pension rules from a date prior to the date of retirement of the Government employees.

3. The orders shall take effect from the date of issue of this letter. The cases of those Government employees who retired/died while in service before this date will also be covered if DCRG has not been paid on the date of issue of this letter and there has been delay in its payment beyond three months of the date of their retirement/death but the interest would be payable in such cases only from the date of issue of this letter or three months from the date of retirement/death whichever date is later.
4. The rate of interest is liable to be changed from time to time keeping in view the bank rate.
5. Please acknowledge its receipts.

Yours faithfully,

Sd/- Under Secretary Finance

No. 1/15/90-IFPIII/4226

Dated, the 10th May, 1990.

True copy

Advocate