IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10544-2014 (O&M)

Date of decision : 10.07.2015

Attar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surmukh Singh, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present writ petition under Articles 226 and 227 of the Constitution of India is for issuance of a direction to the respondents to release the salary and 30% arrears of salary on account of revision as per the 5th Pay Commission report (III instalment), along with interest.

As per the reply filed on behalf of the respondents, all the benefits claimed by the petitioner in the present petition have been released to him.

The learned counsel for the petitioner, though admits the factum of receipt of the benefits, but states that the same have been paid belatedly and thus, seeks interest on the delayed payment.

It is admitted case of the respondents that the benefit towards arrears of salary on account of 5th Pay Commission was released to the petitioner on 05.07.2014, whereas, the arrears of salary from 01.12.2012 to 20.06.2013 have been paid after 25.02.2015. Thus, there is a considerable delay in releasing the amount which became due to the petitioner much earlier.

In ***A.S. Randhawa's case (supra),*** Hon'ble Full Bench of this Court has held has under:-

> "8. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retirer in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying o the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to

> compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of retirement. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%."

In view of the above, the petitioner is held entitled to interest @ 8% per annum on the delayed payment, as above, from the date on which the same became due, till the date of payment. The amount so calculated shall be payable within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

10.07.2015 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**