

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Civil Writ Petition No.19037 of 2014
Date of Decision : 26.05.2015**

Jai Singh

....Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. B.S. Sudan, Advocate for the petitioner.

Mr. P.S. Poonia, Advocate for the respondents.

DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the pending retiral dues i.e. Gratuity, pension as well as the arrears of increments/revised pay scale and ACP grade etc. alongwith interest @ 12% per annum.

Learned counsel for the petitioner submits that the petitioner voluntary retired on 26.10.2006 and retiral benefits were released to him after expiry of six years.

On 26.09.2014, the respondents were directed to file detailed reply as to why the retiral benefits were delayed and as to why penal interest should not be paid to the petitioner and further, if fault lies with the officers of the respondent department, why such interest should not be recovered from their personal salary.

In response to order dated 26.09.2014, reply has been filed but nothing has been mentioned except the fact that the petitioner remained absent from duty from 16.11.2004 to 19.01.2015, 14.02.2015 to 06.05.2005, 07.07.2005 to 08.09.2005 and 01.12.2005 to 14.9.2006.

Learned counsel for the respondents submits that due to absence of the petitioner, the delay has occurred and it was not intentional. He further submits that there was no mala fide in delaying the retiral benefits of the petitioner.

Admittedly, the petitioner got voluntary retirement on 26.10.2006 and an amount of Rs.7,20,226/- was released to him on 17.09.2014 i.e. after six years of his retirement.

Accordingly, the present petition is allowed. The respondents are directed to pay interest @ 8% per annum on the delayed amount of retiral benefits to the petitioner after expiry of three months from the date of his voluntary retirement till the payment has been made and the same be released to the petitioner within a period of one month from the date of receipt of certified copy of this order.

(DAYA CHAUDHARY)
JUDGE

May 26, 2015
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