

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

231

**Civil Writ Petition No.21599 of 2014
Date of decision: 05.05.2015**

**Dinesh Bansal
versus
State of Punjab and others**

**....Petitioner

...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. Sunny Singla, Advocate for the petitioner.

Mr. Anil Sharma, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay interest on the delayed payment of pensionary benefits i.e. gratuity, leave encashment and GPF etc.

Admittedly, the petitioner retired on 31.03.2012 and the amount of gratuity as well as leave encashment has been released to the petitioner on 12.11.2012 and 07.11.2012 respectively.

Learned State counsel submits that the petitioner is not entitled for interest as far as the amount of GPF is concerned as it was released within a period of three months from the date of retirement. He further submits that there was delay in releasing the amount of gratuity as well as revised gratuity. Learned State counsel also submits that the petitioner is also at fault as necessary formalities were not got completed and the delay that has occurred was procedural and not due to any ulterior motive.

Learned counsel for the petitioner submits that the petitioner is entitled for interest as all the formalities were completed before the date of retirement. He further submits that the petitioner retired on 31.03.2012 and the amount of gratuity and leave encashment was released on 12.11.2012 and 07.11.2012 respectively. He further submits that it is the duty of the respondents to complete all the formalities before the date of retirement and it cannot be said in any manner that the petitioner was at fault as certain objections were raised by the department and accordingly those formalities could have been completed within a period of three months from the date of retirement. He further submits that still after expiry of three months, there is delay in release of the payment. Learned counsel also submits that it has been held in various judgements of this Court as well as by Hon'ble the Apex Court that in case, there is delay in releasing the retiral benefits then the petitioner will be entitled for interest as well.

In view of submissions made by learned counsel for the parties, the present petition is disposed of with a direction to the respondents to release the necessary payment to the petitioner along with interest @ 8% p.a. on delayed payment of gratuity as well as leave encashment after the expiry of three months from the date of retirement till the payment has been released. The necessary exercise be done within a period of three months from the date of receipt of certified copy of this order.

(DAYA CHAUDHARY)
JUDGE

May 05, 2015
sonia g.