

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

CWP No. 24837 of 2015
Date of decision: 30.11.2015

Mahavir Sharma

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

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

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed seeking directions for payment of interest on the delayed payment of all retiral benefits @ 18% per annum.

It is the pleaded case of the petitioner that he retired as Superintendent on 28.02.2013 and there was no charge sheet or show cause notice pending. He had submitted his pension papers within time. Partial amount of the gratuity was paid on 01.04.2015 after two years and two months without interest. He had approached this Court in CWP No. 13194 of 2015 seeking the relief of payment alongwith interest, which was disposed of on 06.07.2015 with a direction to the respondents to decide the legal notice dated 23.05.2015 which had already been served. Thereafter, a sum of ₹5,88,525/- was released towards pension on 24.08.2015 without interest. Resultantly, legal notice dated 12.10.2015 (Annexure P-4) has been served upon the respondents to claim interest on the delayed payment of retiral benefits @ 18% per annum.

Counsel for the petitioner submits that he would be satisfied if a time bound direction is issued to the respondents to decide the demand raised in the legal notice.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought and without commenting on the merits of the case, this Court does not feel it necessary for the State to file reply.

Accordingly, this writ petition is disposed of with a direction to respondent no. 2 to decide the claim raised in the legal notice dated 12.10.2015 (Annexure P-4) within a period of two months from the date of receipt of certified copy of the order in view of the judgment of the Full Bench in *A.S. Randhawa vs. State of Punjab and others, 1997 (4) SLR 617*. In case there has been delay as pleaded, the petitioner shall be paid the interest amount for delaying the disbursement of retiral benefits @ 9% per annum from the date it actually became due till the date of payment within a period of two months thereafter. In case the benefit of interest is to be denied, the said respondents shall pass a speaking order and convey it to the petitioner.

30.11.2015
shivani

(G.S. SANDHAWALIA)
JUDGE

