

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

**CWP No.27140 of 2015
Decided on :23.12.2015**

Balwinder Kaur (Widow & LR of Shri Sarabjit Singh)

... Petitioner

Versus

State of Punjab and others

... Respondent

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

Present : Mr. S.K. Rattan, Advocate
for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner who is the wife of deceased employee prays for benefit of interest on delayed payment of gratuity, family pension and other pensionary benefits.

The pleaded case of the petitioner is that her husband died on 28.04.2011, while working as a Panchayat Secretary, but the retiral benefits were not paid to her. She alongwith one Ram Charan had filed CWP No.2026 of 2014, who was similarly situated. Directions were issued by this Court on 04.02.2014 (Annexure P-1) to take a final decision within a period of 4 months. Thereafter, COCP No.1908 of 2014 was filed, in which reply dated 19.05.2015 (Annexure P-3) was filed and the petitioner was granted an amount of ₹ 9,16,377/- as gratuity on 05.05.2015 and leave encashment to the tune of ₹ 2,77,690/- on 13.06.2012. The contempt petition was accordingly disposed of on 18.09.2015.

It is, thus, submitted that there has been delay in disbursal of the retiral dues and the petitioner is entitled for interest as held by the Full Bench of this Court in '**A.J. Randhawa, Superintending Engineer (Retd.) Vs. State of Punjab' 1998 (1) SCT 343.**

Counsel further submits that another legal notice dated 04.10.2015 (Annexure P-7) has also been served upon the respondents claiming interest @ 12% on retiral dues including pension. He further submits that he would be satisfied, if the same is decided within a time-bound frame and he is paid the interest element.

Notice of motion.

On the asking of the Court, Mr. Anshul Gupta, AAG, Punjab accepts notice on behalf of the respondents. Copy of the paper-book has been supplied to him.

Without commenting upon the merits of the case, keeping in view the above facts and in view of the settled principles regarding the issue of payment of the interest on account of delayed payment, respondent No.2 is directed to decide the claim of the petitioner and make payment of the interest on the retiral dues within a period of 2 months from the receipt of the certified copy of this order.

In case, there is any dispute regarding facts, it will be open to the respondent-State to file an appropriate application.

Disposed of accordingly.

DECEMBER 23, 2015

Naveen

**(G.S. SANDHAWALIA)
JUDGE**