

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8645 of 2013

DATE OF DECISION: 03.07.2015

Sadhu Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. M.J.S. Bedi, Advocate
for the petitioner.

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

Mr. Suvir Kumar, Advocate
for respondent No.4.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to pay pension and other retiral benefits like gratuity, leave encashment, provident fund including arrears of revised pay scale along with interest as the petitioner retired on 31.12.2012 but inspite of completing all the formalities well-in-time the pensionary benefits have not been released.

Learned counsel for the respondent-State submits that the State is concerned with the sanction and payment of arrears of pension and commuted pension. The arrears of pension for the period from

1.1.2013 to 31.10.2013 amounting to ₹ 1,67,052/- and commuted pension amounting to ₹ 3,83,124/-, which comes to ₹ 5,50,176/- has been deposited in the account of the petitioner on 20.1.2014. Learned counsel further submits that monthly pension of the petitioner is being paid on regular basis and other benefits are to be released by respondent No.4.

Learned counsel for respondent No.4 submits that some of the benefits have been released and some are likely to be released and some have not been released due to poor financial condition of the Municipal Council.

Admittedly, the petitioner retired on 31.12.2012 as Junior Assistant on attaining the age of superannuation but the retiral benefits were not released within reasonable time. The petitioner has even made a representation but still nothing was paid to him and ultimately he was compelled to approach this Court by way of filing the present writ petition, wherein, notice of motion was issued on 25.4.2013. Not only the delay was there in filing the reply but some of the benefits have also not been released to the petitioner so far. The dues which were to be released by the State have already been deposited in the account of the petitioner on 20.1.2014 and respondent No.4 has also released some of the benefits. Undoubtedly there is an unexplained delay in release of the benefits and even nothing has been mentioned in the written statement filed by the respondent-State as well as respondent No.4 stating therein that delay was there on the part of the petitioner. Learned counsel for the respondent-State submits that some of the formalities were to be completed by respondent No. 4 and thereafter the case was to be processed by the State and the delay might have occurred because of this reason.

In view of the submissions made by learned counsel for the parties, the present petition is disposed of with a direction to respondent

No.4 to release all the remaining benefits to the petitioner within a period of two months from the date of receipt of copy of the order. The petitioner is also held entitled for interest at the rate of 8% per annum after the expiry of period of four months from the date of retirement till the payment was released or the remaining payment would be released. It is also clarified that in case the delay was there on the part of the State in not releasing the pension and commuted pension then the State is liable to pay the interest. In case delay was there on the part of respondent No.4 then the interest shall be paid by respondent No.4.

July 03, 2015
pooja

(DAYA CHAUDHARY)
JUDGE