IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8721-2014 (O&M)
Date of decision : 12.05.2015

Chabil Dass Mehta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

Mr. R.S. Cheema, Advocate,
for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

By way of the present petition under Articles 226/227 of the Constitution of India, is for issuance of direction to the respondents to release the entire retiral benefits like Provident Fund, Pension, Gratuity, Leave Encashment, DCRG, etc.

The learned counsel for the petitioner contends that though the retiral benefits have been released to the petitioner, but the same have been released belatedly. Therefore, he prays for grant on interest on the delayed payment of retiral dues. The learned counsel cites ***The Financial Commissioner, Haryana Vs. Hasan Singh Kanwar, 2010(1) SLR 788*** and ***A.S. Randhawa Vs. State of Punjab, 1997(3)***

S.C.T. 468.

On the other hand, the learned State counsel submits that the delay, if any, is procedural and not intentional, as a police enquiry was pending against the petitioner. He prays for dismissal of the present petition.

Heard.

Admittedly, the petitioner retired from service on 30.06.2013. The retiral benefits have though been paid to the petitioner, however, there is an admitted delay in the payment thereof.

In ***A.S. Randhawa's case (supra),*** Hon'ble Full Bench of this Court has held has under:-

> "8. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retirer in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty

> thereby denying o the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of retirement. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%."

In view of the above, the petitioner is held entitled to interest @ 8% per annum on the delayed payment of retiral dues from the date on which they became due till the date of payment. The amount so calculated shall be payable within a period of four months from the date of receipt of a certified copy of this order.

12.05.2015 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**