IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1657 of 2014 (O&M)
Date of Decision:- 05.02.2016

R.S. Sorout

....Petitioner

Versus

Sarv Haryana Gramin Bank and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arihant Jain, Advocate, for the petitioner.

Mr. Vipin Mahajan, Advocate for the respondents.

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RITU BAHRI, J. (Oral)

Petitioner-R.S. Sorout has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for directing the respondents to release the retiral benefits i.e. Gratuity and Leave Encashment etc. along with interest 18% per annum from the date the said amount became payable.

The petitioner retired on 31.01.2013 from the services of the respondents but the retirement benefits including Gratuity, Leave Encashment etc. have not been paid to him without any basis and against the law. Thereafter, the petitioner served legal notice/representation dated

13.11.2013 (Annexure P-1) to respondent Nos.2 and 3 for releasing the retirement benefits along with interest @ 18% per annum.

Short reply by way of affidavit of General Manager, Sarav Haryana Gramin Bank, has been filed stating therein that the petitioner was informed vide letter dated 08.11.2012 (Annexure R-1/1) that certain discrepancies and liabilities are pending against him and he was advised to clear off the said discrepancies/liabilities. Thereafter, the petitioner was again advised by the respondent-Bank, vide letter dated 29.01.2013 (Annexure R-1/2). The petitioner made necessary rectification of discrepancies/liabilities and submitted information vide letters dated 05.04.2013, 12.08.2013 and 26.10.2013 (Annexures R-1/4 to R-1/6). After getting the confirmation, the entire retiral benefits have been released to the petitioner on 13.10.2014.

As per affidavit dated 06.04.2015, filed by the petitioner, he has received ₹13,82,018/- from the respondent-Bank on account of Gratuity and Leave Encashment on 13.10.2014. Now the question for consideration in the present case is payment of interest on retiral benefits. As per reply filed by the respondent-Bank, the discrepancies/liabilities pointed out by the respondent, vide letter dated 08.11.2012 (Annexure R-1/1), have been removed by the petitioner, by way of letters dated 05.04.2013, 12.08.2013 and 26.10.2013 (Annexures P-1/4 to R-1/6). After removal of discrepancies the entire retiral benefits have been released to the petitioner on 13.10.2014.

A perusal of letter dated 05.04.2013 (Annexure R-1/4) mainly shows that the dates when the petitioner had handover the AODs. This information was already with the Bank and did not amount to removal of discrepancies.

Learned counsel for the petitioner further submits that as per settled law, the pensionary/retiral benefits are to be released to the retiree within three months from the date of retirement. The petitioner has retired on 31.01.2013 and the retiral benefits have not been released to him within three months i.e. till 31.04.2013. He is entitled to interest w.e.f. 01.05.2013 to 13.10.2014.

Heard learned counsel for parties.

Thus, the department has already taken so much time to release the dues to the petitioner. Reference at this stage can be made to judgments of Hon'ble the Supreme Court of India in cases ***of D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2014 AIR (SC) 2861 and Megh Varan Sharma vs. State of U.P and others, 2015 (1) S.C.T (12),*** wherein payment of retiral benefits was delayed by the respondent-department and it has been held that the petitioner was entitled to interest @ 9% per annum from the date of entitlement till the date of actual payment.

Applying the ratio of the above mentioned judgments, this petition is being ***disposed of*** by awarding interest at the rate of 9% on the delayed payment i.e. with effect from 01.05.2013 till the date of its realization.

February 05, 2016 **(RITU BAHRI)**
naresh.k JUDGE