

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

Date of decision: 11.04.2016

CWP No.18916 of 2015

Satya Parkash

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narinder Pal Sharma, Advocate, for the petitioners.

Dr. Puneet Kaur Sekhon, Addl. AG, Punjab.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

Mere procedural delay in payment of terminal/retiral benefits is no excuse to withhold moneys so long as the person retiring from service has prior to superannuation completed the necessary formalities and the usual paperwork within the time prescribed and has acted prudently and promptly to make the monetary benefits available for him.

The limited claim in this petition is for payment of interest on the delayed payments of retirement dues. The petitioner retired from service on 31.01.2014 and the outstanding payments were made over to the petitioner on different dates, which have been mentioned in para.9 of the writ petition. Since the monetary benefits have been withheld without sufficient cause or legal justification, the petitioner would be entitled to interest on delayed payments,

as he was deprived of use of the money for a sufficiently long period of time spent in bureaucratic red tape and government apathy.

In the circumstances, this petition is allowed. A direction is issued to the respondents to pay interest at the rate of 12% from the date of expiration of three months from the date of retirement and to the dates on which each of the payments were made under different heads, with interest running till realization. Let the amount of interest be calculated and paid to the petitioner within six weeks from the receipt of certified copy of this order failing which the amount of interest would earn further 6% compound interest at quarterly rests from the date of default, if any, and till the default continues till the total sum is made good. This is to ensure timely compliance of the order.

11.04.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE