

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

CWP No.19115 of 2015

Date of decision: 12.2.2016

Paramjit Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. BS Mittal, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, A.A.G., Punjab.

Ms. Meena Bansal, Advocate,
for respondent No.4/Municipal Council.

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

RAJIV NARAIN RAINA, J.(Oral)

1. Mr. Nagpal has filed an affidavit by way of reply on behalf of respondents 1 to 3, which is taken on record. The contesting respondent 4 does not dispute that an amount of Rs.3,57,049/- is payable to the petitioner. When the liability is admitted then the submission that the Municipal Council, Sunam is facing a financial crunch and therefore the case be adjourned to await fair weather will not be a valid ground for adjournment or plausible reason to withhold the money due which accounts for unpaid retiral benefits due upon superannuation.

2. Learned counsel for the petitioner submits that the principal amount of pensionary benefits or terminal dues, which have been wrongfully withheld, deserve to be compensated by adding to the figure the element of interest. The request is accepted being the view of this

Court in the Full Bench decision in **A.S. Randhawa v. State of Punjab**, 1997(3) SCT 468. This plea is vehemently opposed by the learned counsel for the Municipal Council in view of the financial crunch his client is reeling under. Nonetheless, the plea is rejected as wholly misplaced since terminal dues are not a bounty but a right in property constitutionally protected by Article 300A of the Constitution.

3. In the circumstances, this petition is allowed. A direction is issued to respondent 4 to pay the aforesaid amount to the petitioner by March 31, 2016 with 9% interest failing which the amount will carry 18% interest per annum till realization and not only this the delay, if any, may also invite the jurisdiction of this Court to consider passing strictures upon those found guilty of illegally withholding money of a former employee which has been legally due for an inordinately long time compelling the petitioner to approach this court at much personal expense for which he deserves to be compensated in terms of money.

3. Therefore, the petitioner would also entitle to costs of litigation assessed at Rs.10,000/-.

(RAJIV NARAIN RAINA)
JUDGE

12.2.2016
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