

**Sr. No. 209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.25918 of 2013 (O&M)
Date of Decision: 06.09.2016**

Hari Krishan Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.L.Dhingra, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

Mr. Hitender Kansal, Advocate,
for respondent No.4.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner was serving on the post of Clerk with the Jain Senior Secondary School (Girls), Ambala Cantt.

Concededly, such school is a privately aided institution.

Petitioner retired on 31.01.2013 upon attaining the age of superannuation.

The instant petition was instituted in the year 2013 praying for issuance of a writ of mandamus for directing the respondent authorities as also the respondent School to release to him all the admissible retiral benefits including DCRG, arrears of ACP etc. and which had been withheld without any justifiable basis.

After filing of the instant petition and consequent to notice of motion having been issued, the retiral benefits in the nature of pension as also arrears, DCRG and arrears of ACP have been released on different dates.

The petitioner has filed and placed on record affidavit dated 14.03.2016 giving out the details of all the benefits released to him after filing of the petition and the same are in the following terms:

That payments were made as under:-

<i>Date of Retirement</i>	<i>31.01.2013</i>	<i>Delay</i>
<i>i) Pension and its' Arrears paid on 20.06.2014</i>	<i>Rs.2,79,818/-</i>	<i>17 months</i>
<i>ii)DCRG paid on 05.06.2015</i>	<i>Rs.4,84,902/-</i>	<i>28 months</i>
<i>iii)Arrears of ACP paid on 29.01.2016</i>	<i>Rs.5,62,416/-</i>	<i>37 months</i>

The details noticed hereinabove are not disputed by learned State counsel as also counsel appearing for the respondent School.

The only prayer that now survives in this petition is as regards grant of interest on the delayed release of admissible retiral benefits.

It has gone uncontroverted that the petitioner had submitted all the relevant pension papers complete in all respects on 01.06.2012. Petitioner retired on 31.01.2013. Even though the retiral benefits as also arrears of ACP have since been released to the petitioner yet no cogent basis is forthcoming which may be construed as a justifiable reason for withholding the retiral benefits. Apparently, there was a tussle between the Management of the respondent School on the one hand and relevant department under the State Government on the other hand.

Be that as it may petitioner was vested with a right to be released all the entire admissible retiral benefits as also arrears of ACP on the date of retirement itself.

Suffice it to observe that pension is not a bounty but is in fact a deferred payment of salary.

Accordingly, in the considered view of this Court, the petitioner is entitled to interest on the delayed release of financial benefits that have been noticed hereinabove.

In taking such view, reference may be made of the Full Bench decision in *R.S.Randhawa Vs. State of Punjab and others, 1997(3) RSJ 319*.

The present petition is allowed and respondent No.4 i.e. The Principal, Jain Senior Secondary School (Girls), Ambala Cantt (Ambala) is directed to release interest @ 8% to the petitioner for the delay that has been caused as regards each component i.e. pension for a period of 17 months, DCRG 28 months and arrears of ACP i.e. 37 months. Such component of interest be calculated and released to the petitioner positively within a period of four weeks from today.

Since it was the stand taken by counsel appearing for respondent No.4 that delay was attributable to the State Government, it would be open for respondent No.4 to agitate such issue before the appropriate department under the State Government.

Writ petition is disposed of.

06.09.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No