

CWP No.26417 of 2013
Date of decision : July 11, 2016

Mohinder Singh and another Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gagneshwar Walia, Advocate for the petitioner.

Mr. Rajat Bansal, AAG, Punjab
for the State-respondent Nos.1 to 3..

Ms. Kavita Arora, Advocate for respondent No.4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner No.1-Mohinder Singh, who was working as Junior Assistant, retired from service on 30.04.2012, whereas petitioner No.2-Sohan Singh, retired as Junior Assistant on 31.08.2012 from the Municipal Council, Qadian. According to the petitioners, the pensionary benefits were paid to them after delay for which they claim the interest.

Respondent No.4, on the other hand claims that most of the pensionary benefits were paid, immediately, but some of the pensionary benefits were paid late due to paucity of funds.

Respondent No.4 in its written reply produced the following chart relating to petitioner No.1-Mohinder Singh, who retired on 30.04.2012, regarding his payment:

<i>Sr. No.</i>	<i>Item</i>	<i>Amount payable</i>	<i>Date of Payment</i>	<i>Amount paid</i>
1	Gratuity	₹4,33,912/-	a) Cheque No.276148, dated 27.04.2012 b) Cheque No.344192, dated 08.05.2012 c) Cheque No.344207, dated 11.06.2012 d) Cheque No.344239, dated 03.08.2012 e) Cheque No.627251, dated 17.10.2012 f) Cheque No.460802, dated 24.12.2012 g) Cheque No.460816, dated 23.01.2013 h) Cheque No.583226, dated 23.03.2013	₹50,000/- ₹70,000/- ₹60,000/- ₹50,000/- ₹50,000/- ₹50,000/- ₹53,912/-
	Total Amount	₹4,33,912/-		₹4,33,912/-
2	Leave Encashment	₹2,99,250/-	Payment made vide Cheque No.583226, dated 23.03.2013	₹2,99,250/-
3	Provident Fund	₹2,35,000/-	a) March 2012 b) 26 April, 2012 c) Cheque No.032264, dated 09.11.2012	₹50,000/- ₹1,50,000/- ₹35,000/-
4	Arrears of revised pay scale, D.A., Arrears of gratuity, Leave encashment etc.	₹76,362/-	Cheque No.583238, dated 10.04.2013	₹76,362/-

Regarding petitioner No.2-Sohan Singh, who retired on 31.08.2012, the following chart was produced.

<i>Sr. No.</i>	<i>Item</i>	<i>Amount payable</i>	<i>Date of Payment</i>	<i>Amount paid</i>
1	Gratuity	₹5,66,773/-	a) Cheque No.032335, dated 30.09.2012 b) Cheque No.460805, dated 24.12.2012 c) Cheque No.460818, dated 23.01.2013 d) Cheque No.627256, dated 30.01.2013	₹1,00,000/- ₹50,000/- ₹50,000/- ₹3,66,773
				₹5,66,773

<i>Sr. No.</i>	<i>Item</i>	<i>Amount payable</i>	<i>Date of Payment</i>	<i>Amount paid</i>
2	Leave Encashment	₹3,49,680/-	a) Cheque No.627256, dated 30.01.2013 b) Cheque No.460823, dated 01.02.2013	₹2,83,227/- ₹66,453/-
3	Arrears of revised pay scale, D.A., Arrears of gratuity, Leave encashment etc.	₹95,269/- ₹22,431/- ₹24,251/-	a) Cheque No.460824, dated 01.02.2013 b) Cheque No.627256, dated 30.01.2013	₹95,269/- ₹46,682/-

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned counsel for the petitioners has relied upon the Full Bench authority of this Court titled as “**A.J. Randhawa, Supdg. Engineer (Retd.) vs State of Punjab**”, 1998(1) S.C.T. 343, wherein it was held that if the retrial benefits are not paid within two months, the employee must be entitled to compensation and the interest, which is generally @ 12% for the period of delay is to be awarded. Reliance has also been placed upon the authority of Hon'ble the Supreme Court in case of “**Vijay L. Mehrotra vs State of U.P.**”, 2000(2) CLR 416, wherein 18% interest was granted w.e.f. date of retirement.

After considering the facts and circumstances, I am of the view that when an employee retires, the paucity of funds is no ground to withhold the payment of retiral benefits of the employee. The Department is supposed to make the payment within the stipulated period, which is rightly fixed as 2 months. Therefore, all the payments must be paid within two months of the retirement. The petitioners are entitled for interest on the delayed payment. Considering the bank's present rate of interest, I am also of the view that as all the payments made to the petitioners after two months of their retirement, respondent No.4 shall be liable to pay interest @ 9% per annum beyond the said period of two months till the date of actual payment. The

said payment be now released as ordered by this Court within three months from the passing of the order.

The present petition is allowed to the abovenoted extent.

July 11, 2016
sarita

(KULDIP SINGH)
JUDGE