

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 5653 of 2014

Date of decision : 28.03.2016

O.D. Sharma

...Petitioner

versus

U.H.B.V.N.L & ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Vinod Sharma, Advocate
for the respondent No. 4.

RITU BAHRI , J. (Oral)

Petitioner 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 certiorari for quashing impugned order dated 05.08.2013 (P-2) to the extent of withholding amount of Rs.3,02,002/- out of DCRG.

Vide order dated 14.01.2016, petitioner has informed that amount of Rs.8,33,573/- has been released to him on 11.09.2015 and there was delay of thirty three months for payment and respondents were directed to file an affidavit explaining the date when the complete papers were submitted by the petitioner to calculate the rate of interest

for delayed payment.

In compliance of the above said order, an affidavit has been filed by the respondents in the Court today and as per this affidavit, petitioner submitted his complete paper for sanction of pension on 25.06.2010 and the retiral benefits were released to the petitioner on the dates mentioned in para No. 4 of the affidavit and further it has been stated that an amount of Rs.3,02,001.64/- has been released to the petitioner in two installments, vide cheque No. 13593 dated 19.05.2014 amounting to Rs.5964/- and Rs.2,96,094/- vide cheque No. 515359 dated 29.12.2015.

In view of the above facts, once the petitioner had submitted his papers for sanction of pension on 25.06.2010, thereafter the department should have released the retiral benefits within 03 months.

For the reasons explained above, the petition is allowed and the respondents are directed to give 9% interest on delayed payment given to the petitioner mentioned above w.e.f 01.10.2010, in view of judgment of Hon'ble the Supreme Court 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 benefit 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.

(RITU BAHRI)
JUDGE

28.03.2016

G Arora