

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

**CWP No.578 of 2016
Decided on : 13.01.2016**

Bhavna

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.B.S.Mittal, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks a direction for grant of interest @ 12% per annum, on the delayed payments of retiral benefits, in the light of the Full Bench judgment of this Court in **A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468.**

It is the case of the petitioner that he retired from service on 31.12.2014 as a Peon from the Municipal Council, Rampura, respondent No.4. The retiral benefits were delayed due to which, the petitioner approached this Court by filing CWP-4019-2015, which was disposed of on 09.03.2015, with a direction to decide the representation of the petitioner within a period of 3 months. A sum of Rs.1,35,763/- was paid to the petitioner on 01.07.2015 but no speaking order was passed. Thereafter, the petitioner had to approach this Court by filing COCP-1867-2015 against respondents No.2 to 4. Resultantly, cheque of Rs.5,50,000/- was issued on 12.08.2015, and a speaking order

dated 20.08.2015 (Annexure P2) was passed by the Deputy Director, whereby pension from 01.01.2015 to 31.07.2015, amounting to Rs.1,03,175/- was paid.

It is, accordingly, submitted that there is delay in the payment of retiral dues and therefore, the petitioner is entitled for the interest for the delayed payments since the amount has not been paid within 2 months from the date of retirement. Reliance is also placed upon the compliance report by way of affidavit of Shri Surinder Kumar Garg, Executive Officer, filed in this Court in the contempt petition, wherein the details of payments have been made, to show that the amount of Rs.1,35,763/- was paid on 01.07.2015 and similarly, a sum of Rs.5,50,000/- was paid on 12.08.2015, thus, satisfying the due amount of Rs.8,35,763/-.

Reference has also been made to para no.8 of the affidavit filed by the Deputy Director, Local Bodies, in the said case, wherein it has been averred that the delay had occurred in releasing the arrears of payment due to the non-submission of the pension case, on the part of respondent No.4. It is, accordingly, submitted that in such circumstances, the respondents are under a liability to pay the interest element, in view of the settled principle. Counsel further submits that a legal notice dated 23.10.2015 (Annexure P6) has already been filed with the respondents, to that extent and the petitioner would be satisfied if a time-bound direction is issued to decide the said issue of grant of interest.

After hearing counsel for the petitioner and keeping in view the limited controversy involved, this Court does not feel it necessary to call upon the respondents to file reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondent No.4 to decide the request of the petitioner, within a period of 2 months from the receipt of a certified copy of this order. In case the petitioner is found entitled for the said relief, the financial benefits be disbursed to her, within a period of 1 month, thereafter. In case the benefit is to be denied, a reasoned order be passed and the same be conveyed to the petitioner.

JANUARY 13, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE