

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

Sr. No.210

Civil Writ Petition No.10362 of 2015
DECIDED ON: October 24, 2017

KRISHAN LAL MANOCHA

..PETITIONER

VERSUS

MANAGING DIRECTOR, UHBVNL AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Panwar, Advocate,
for the petitioner.

Mr. Amit, Advocate,
for the respondents.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release 18% interest on the delayed payment of retiral benefits.

2. Concededly, the petitioner stood retired on July 31, 2010 as Assistant Executive Engineer (AEE) on attaining the age of superannuation from the respondent-department. But the retiral benefits were not released/disbursed to the petitioner either on the day of his retirement or subsequent thereto within reasonable period of three months. Ultimately, petitioner was constrained to serve a legal notice dated April 12, 2013 (P-5) upon the respondents. But instead of making the payment of the retiral

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benefits to the petitioner, a departmental inquiry was initiated against him by way of serving a chargesheet after about two months of the service of the legal notice i.e. on June 14, 2013 (P-6). There was nothing pending against the petitioner on the day of his retirement and disciplinary inquiry, if any, was initiated only when the petitioner called upon the respondents to release or disburse his retiral benefits by way of service of legal notice. Otherwise also, said inquiry has since been finalized. Though, at the initial stage, an order was passed by the concerned authorities to impose a penalty to the tune of Rs.16,07,712.85 (Rupees sixteen lacs seven thousand seven hundred twelve and eighty five paise only) vide order dated June 14, 2013 but subsequently, it diluted and penalty stood reduced to Rs.78,504/- by issuing fifth No Dues Certificate (NDC) vide order dated November 12, 2014. Initiation of an inquiry, after the service of the legal emanates that it was not appreciated by the respondents. Moreover, an amount of Rs.78,504/- has already been recovered from the retiral benefits of the petitioner.

3. The only question which survives for determination in the instant case is whether petitioner is entitled to the interest on the delayed payment of retiral benefits and answer to this question is in the affirmative. In addition to judgment passed by Full Bench of this Court in case **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as **Charan Dass vs. State of Punjab & Ors.** decided on July 11, 2017 and instructions dated December 11, 2008 (P-2) issued by the respondents, clearly spell out that interest is payable on the delayed payments of retiral benefits but in this case a complete go bye has been given to the aforesaid judgment and instructions.

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4. Taking into consideration the facts & circumstances of the case in hand and legal proposition, this Court is of the view that grant of interest @ 9% per annum, on the delayed payment after expiry of three months from the date of retirement till the actual payment, is legally and factually justified. Accordingly, this Court awards an interest @ 9% per annum on the delayed payment(s) w.e.f. November 01, 2010 till actual date of payments, which shall be paid by the respondents after calculating the same within a period of two months from the date of receipt of certified copy of this judgment.

5. Disposed of accordingly.

October 24, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**