

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 235

Civil Writ Petition No.11137 of 2015 (O & M)
Date of Decision: July 24, 2017

Sohan Lal

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Peeush Gagneja, Advocate, for the petitioner.

Ms. Sudeepti Sharma, Additional Advocate General,
Punjab.

Mr. Puneet Bhandari, Advocate, for respondent No.4.

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Jaspal Singh, J

CM Nos.8820-CWP & 8821-CWP of 2017

Applications are allowed as prayed for.

Documents are taken on record.

CWP No.11137 of 2015

1. By virtue of this civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the service – cum- retirement benefits of the petitioner, such as amount of gratuity, leave encashment, pension, commuted pension, Provident Fund, DA, revised DA, arrears of revised pay scale, and all other benefits, which the petitioner is

entitled to receive from the respondent – Department alongwith interest @ 18% per annum.

2. At the very outset of arguments, learned counsel for the petitioner has stated at bar that retiral benefits have been released to the petitioner. As per the reply/affidavit filed on behalf of respondent No.4, petitioner has been paid ₹ 3,00,357/- (Provident Fund) vide cheque No.517975 dated June 12, 2015; ₹ 3,86,935/- vide cheque No.899064 dated February 26, 2016; and ₹ 8,76,924/- vide cheque No.899134 dated March 15, 2016.

3. Accordingly, the writ petition has rendered infructuous, in as much as, grant of retiral benefits is concerned. Now a question arises as to the period in which the retiral benefits should be disbursed to the retiree, especially to see whether the petitioner is entitled for payment of interest on delayed payment?

4. As regards grant of interest on delayed payment of retiral benefits, the matter in controversy has been dealt by this Court in case **Charan Dass vs. State of Punjab & others**, CWP No.8772 of 2015, decided on July 11, 2017, wherein while, referring to judgment rendered by this Court in **Amarjit Kaur vs. State of Punjab & others, 2011(1) Service Cases Today 85**; Full Bench of this Court in **A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468** as well as decisions rendered by Hon'ble Apex Court in **Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267**; **Ex. Capt. R.S. Dhull vs. State of Haryana, 1998(2) SCT 729**; **State of Kerala vs. M. Padmanabhan, AIR 1985 SC 356**; **D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Nitran Nigam Ltd., 2014(4) S.C.T. 128**; **J.S. Cheema vs. State of Haryana & others, 2014(3) RCR (Civil) 355**; and **Manohar Lal vs. State of Punjab & others, 2016(4) SCT 250** as well as

judgment of Madhya Pradesh High Court in case ***Sudha Chhipa & others vs. State of M.P. & others, 2014 LIC 2125***, has observed as under:-

“At the most, the respondents could have taken a period of three months from the date of retirement during which the payment of retiral benefits should have been disbursed to the petitioner. In the aforesaid cases, the rate of interest to be paid on delayed payment has been held to be reasonable to the tune of 12% per annum which may even go up to 18% in certain cases. Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 12% per annum, on the delayed payment after expiry of three months from the date of retirement of petitioner till the payment, is legally and factually justified. Accordingly, this Court awards an interest @ 12% per annum on the delayed payment w.e.f. April 01, 2014 to actual date of payment i.e. June 03, 2016, which shall be paid by the respondents after calculating the same within a period of three months from the date of receipt of certified copy of this judgment.”

6. Undoubtedly, Petitioner, in this case, superannuated on April 31, 2015. Though, the amount of ₹ 3,00,357 towards a part of retiral benefits was paid on June 12, 2015 which cannot be termed as delayed payment in view of the above referred authoritative judgments, however, amount of ₹ 3,86,935 paid on February 26, 2016 and ₹ 8,76,924/- paid on March 15, 2016 attract interest have been paid much after three months of retirement of the petitioner.

7. Taking into consideration the facts & circumstances of the case in hand and following the dictum of above referred authoritative judgments, this Court is of the considered view that grant of interest @ 12% per annum, on the delayed payment after expiry of three months from the date of retirement of petitioner till its actual payment, is legally and factually justified. This Court awards an interest @ 12% per annum on the delayed payments of ₹ ₹ 3,86,935 and ₹ 8,76,924/- w.e.f. August 01, 2015 to actual date of payment which shall be paid by the respondent(s) after calculating

the same within a period of three months from the date of receipt of certified copy of this judgment.

July 24, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No