

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

**CWP No. 11759 of 2015
DECIDED ON: DECEMBER 15, 2017**

NARINDER KUMAR WALIA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Through the instant petition, petitioner has sought a writ especially in the nature of mandamus directing the respondents to release the gratuity as well as remaining pension, which has been arbitrarily withheld by the respondent-department.

2. The claim of the petitioner is for interest on the delayed payment.
3. At the very outset of arguments, it has been submitted by learned counsel for the petitioner that all the retiral benefits have been released/disbursed to the petitioner but after a considerable delay. However, no interest has been paid to the petitioner on the delayed payment to which he is

legally entitled.

4. Undisputably, the benefits accrued to the petitioner on account of his retirement were withheld by the respondent-department on the ground that there is a departmental enquiry pending against him. Moreover, the department could withhold the gratuity. In this case inquiry remained pending approximately for more than five years. Now, the state Government vide letter No. 7/202/2008-5H4/664490/2, dated January 12, 2016 (R-1) has filed the charge sheet and petitioner has been exonerated from the charges levelled against him.

5. In this case on the pretext of inquiry the petitioner was deprived of retiral benefits in the form of gratuity. The respondent-department did nothing to expedite the inquiry within the stipulated period. In the inquiry ultimately, it was found that the petitioner was not guilty. The question of grant of interest on the delayed payments of retiral benefits is no more *res-integra*, as by now it is pretty settled that the retiree who has been deprived of the use of his retiral benefits at the appropriate time, is deserves to be compensated by way of interest. It is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen reasons or circumstances the payment(s) of the retiral benefits could not be disbursed earlier i.e. on the date of retirement.

6. It is a settled principle that grant of interest on the delayed payment is on account of the fact that retiree was unable to enjoy its fruits immediately on his retirement and then a right accrues to him to be compensated and the only way to compensate him is to pay interest for the period of delayed payments.

Therefore, the State is liable to pay interest on the delayed payment.

7. Accordingly, instant petition is partly allowed. The State is directed to pay interest @9% per annum on the delayed payment of gratuity starting six months after the issuance of the charge sheet i.e. 01.09.2010 till the date of actual payment.

DECEMBER 15, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>