

CWP No.12104 of 2015

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

Sr. No.291

Civil Writ Petition No.12104 of 2015
DECIDED ON: December 01, 2017

BALBIR SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Singla, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, Additional Advocate General,
Haryana.

JASPAL SINGH, J.

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction in the nature of mandamus directing the respondents to grant interest @ 18% per annum on late dues as well as pensinary benefits as per the directions of this Court vide order dated June 03, 2011 in ***CWP No.9352 of 2010*** and further issuance of a writ in the nature of certiorari for quashing the order dated February 12, 2013 (P-3) whereby the interest upon the delayed payment has been denied to the petitioner.

2. Learned counsel for the petitioner has submitted that interest on delayed payment has not been awarded to which the petitioner is legally entitled.

3. Concededly, vide order dated December 19, 2012 in Civil Writ Petition No.25295 of 2012 captioned as ***Balbir Singh vs. State of Haryana & ors.*** a direction was given to the Superintending Engineer, PWD (B&R) Mechanical Circle, Karnal-respondent No.2 to consider and decide the representation dated July 11, 2012 within a period of three months from the date of receipt of certified copy of this order and further direction in case, the petitioner is held entitled to the claim made by him through his representation, the consequential benefits, if any, be released to him, in accordance with law, within a further period of two months and if claim of the petitioner is not to be accepted, a well reasoned and speaking order be passed and conveyed to the petitioner. The claim of the petitioner with regard to interest on delayed payments has been declined by the concerned authority vide speaking order No.28 dated February 12, 2013. Aggrieved against the speaking order dated February 12, 2013, petitioner filed the instant petition. 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 payment. Now, a question arises as to the period in which the retiral benefits should be disbursed to the retiree.

4. Undoubtedly, petitioner stood voluntarily retired on October 31, 2009 as ADM. From the reply, it is evident that the retiral benefits were paid to the petitioner after a long delay. At the most, respondents could

have taken a period of six months from the date of voluntary retirement during which, payment of retiral benefits should have been disbursed to the petitioner in view of Notification No.7/8/2008-4 Pension dated May 05, 2008 issued by the Government of Haryana.

5. Instant petition is disposed of with a direction to respondents to calculate and grant the interest @ 9% per annum on the delayed payment(s), after expiry of six months from the date of his voluntary retirement till the actual payment(s) of the different amounts, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of order, petitioner shall be at liberty to approach this Court.

December 01, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No