

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

CWP No. 12724 of 2016 (O&M)
Date of Decision: 18.05.2017

MANMOHAN SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Deepak Arora, Advocate,
 for the petitioner.

 Mr. Anshul Gupta, AAG, Punjab.

 Mr. Daman Dhir, Advocate,
 for respondent Nos. 2 to 4.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondents No. 1 to 4 to release the interest on the delayed payment of leave encashment as well as gratuity.

Brief facts of this case are that the petitioner retired as Public Distribution Clerk from the office of respondents on 31.05.2014. The claim of the petitioner is that his retiral benefits were released on 12.08.2015 with delay of about little more than one year and two months for which he is entitled to interest @ 18% per annum.

On the other hand, in the reply of the respondents No. 2 to 4 filed in the Court today, it is stated that services of the petitioner were terminated on 01.05.1983. The matter remained pending before the Labour Court and this Court. Ultimately, Labour Court vide award dated 10.12.2009,

reinstated the petitioner and he joined on 23.12.2009. The respondents were to take decision regarding the fate of the service period w.e.f. 01.05.1983 to 23.12.2009 during which the petitioner remained out of service. It is for this reason that the payments in respect of gratuity and leave encashment were released only on 12.08.2015.

After hearing learned counsel for both the parties, I am of the view that the petitioner reinstated on 23.12.2009 and the fate regarding period w.e.f. 01.05.1983 to 23.12.2009 could have been decided before his retirement on 31.05.2014. If the respondents kept the said matter pending, they have to blame themselves for the same. Therefore, there is apparent delay on the part of the respondents in release of the retiral benefits to the petitioner.

In view of the above, starting three months from 31.08.2014 i.e. date of retirement of the petitioner, the respondents No. 2 to 4 are order to pay interest @ 9% per annum on the delayed payment of leave encashment and gratuity.

The petition is accordingly allowed.

May 18, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
Whether speaking / reasoned	:	Yes	No
			✓
Whether Reportable	:	Yes	No