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

**CWP No. 10032 OF 2017
DECIDED ON: DECEMBER 01, 2017**

SHEELA DEVI .....PETITIONER

VERSUS

HARYANA STATE FEDERATION OF CO-OPERATIVE SUGAR MILLS LTD. AND ANOTHER .....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Gopera, Advocate
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

*****

<u>JASPAL SINGH, J.</u>

Through, instant 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 fix the family pension and to pay all other pensionary benefits being widow of late Sh. Satyawan, who breathed his last on 10.10.2016 after having served with the respondents for 28 years with further direction to release the arrears of pensionary benefits along with interest.

2. At the very outset of the arguments, it has emerged that the gratuity, provident fund, EDLI (employees deposit linked insurance) and earned leave have already been paid by the respondents on different dates but with some delay. Similarly, pension has also been fixed by the Provident Fund Office,

Rohtak, which is being sent directly to the bank account of the petitioner.

3. At this juncture, it is disputed by learned counsel for the petitioner that the pension has not been fixed in accordance with Rules, which deserves to be re-fixed. However, the other retiral benefits have already been released and received by the petitioner but interest on delayed payment has not been granted.

4. In the instant case, the husband of the petitioner was taken away by the nature on 10.10.2016 and the retiral benefits were disbursed to the petitioner after some delay. There is a delay in making the payment, which cannot be attributed to the petitioner. Rather, the delay appears to have occurred on account of omission on the part of the respondents. As far as maintainability of writ in the nature of mandamus for the grant of interest is concerned, by now it is pretty settled that same is legally maintainable. In this regard, we can have the reference of the pronouncement of the judgment in case ***A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468*** as well as ***Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267***. In case ***Vijay L. Mehrotra (supra)***, the Hon'ble Apex Court, has specifically observed that retiree is entitled to the grant of interest on the delayed payment of retiral dues. It was observed that in case of an employee retiring after having rendered service, 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 payments could not be made on the date of retirement. Otherwise also, considering a number of cases and the procedure to be adopted, it is settled that at the most the employer is obliged to release the pensionary benefits maximum within a period of three

months from the date of retirement or of the demise of an employee. But in the case in hand, even the benefits accrued on account of death of her husband have not been released to the petitioner within the aforesaid reasonable period of three months.

5. As an upshot of the aforesaid facts, instant petition is disposed of with a direction to respondent(s) to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of demise of husband of the petitioner till the actual payments of the various dues, within a period of three months from the date of receipt of a certified copy of this order.

6. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, she shall be at liberty to have recourse to the other remedies available to her under law as well as to approach this Court.

DECEMBER 01, 2017 **(JASPAL SINGH)**
sonika **JUDGE**

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***