

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15545 of 2015 (O&M)
DECIDED ON: November 08, 2017

P.S. MEHTA

..PETITIONER

VERSUS

PANJAB UNIVERSITY AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dinesh Kumar, Advocate,
for the petitioner.

Mr. Vivek Arora, Advocate,
for the respondents.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to release pension and arrears thereof w.e.f 01.11.2014 onwards along with interest @ 12% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner retired as Technical Officer, Grade-I on attaining the age of superannuation on 31.10.2014 and the pension and other retiral benefits were paid to the petitioner after a long delay, that too, without any fault on the part of petitioner. As such, he is entitled to interest on the delayed payment. He further contends that without serving any show cause notice, order dated 19.03.2015 and Endst. No.5356/A, dated 15.04.2015 (Annexure P-7 Colly) has already been passed whereby respondents have sought to

recover a sum of Rs.66,779/- alleging that the payment was made in excess on wrong fixation of pay, that too, on the basis of objection raised by the Audit Department. However, it has been categorically submitted by learned counsel for the petitioner that arrears of pension and other benefits have already been released during the pendency of instant petition. But there is a considerable delay in making the payment of the aforesaid retiral benefits 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 a 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. But in the case in hand, even the benefits accrued on account of retirement have not been released to the petitioner within the aforesaid reasonable period of three months.

3. Undoubtedly, petitioner could not enjoy the fruits of the retiral benefits immediately on his retirement and he was deprived the said enjoyment that too, for no fault on his part.

4. 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 retirement till the actual payments of the various dues from the date of receipt of a certified copy of this order.

5. Further, it is ordered that recovery cannot be effectd as per judgment captioned as “*State of Punjab v. Rafiq Masih*”, 2015 (4) SCC 334

6. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court.

November 08, 2017

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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No