

CWP No.17196 of 2014

Ankur Goyal
2018.02.05 12:48
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.221

**Civil Writ Petition No.17196 of 2014
DECIDED ON: December 05, 2017**

AMARJIT KAUR AND ANOTHER

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Sharma Budhladawale, Advocate,
for the petitioners.

Ms. Jasleen Kaur Sidhu, A.A.G., Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Article 226 of the Constitution of India, petitioners have sought the issuance of a writ, order or direction particularly in the nature of certiorari to quash the order dated December 09, 2013 (P-7) and another order dated Nil (P-8) and refund the amount of Rs.1,77,412/- and Rs.51,221/- deducted from DCRG of the petitioners respectively, along with interest.

2. During the course of arguments, it has come to light that respondents have already refunded the amount of Rs.1,77,412/- and Rs.51,221/- to the petitioners which were recovered from their DCRG during the pendency of the instant petition. However, there is a great delay in making the payment of the aforesaid retiral benefits which cannot be attributed to the petitioners. Rather, delay appears to have occurred on account of omission or lapse on the part of the respondents. In ***Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267***, the Hon'ble Apex Court, has 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, considering a number of cases and procedure to be adopted, employer is obliged to release the pensionary benefits maximum within a period of three months from the date of retirement. In the case in hand, the respondents recovered the amount illegally as referred to above in para no.1 of this judgment, which has subsequently been refunded during the pendency of the instant petition. The petitioners were deprived of the enjoyment and proper utilization of the above said amount which also resulted in causing loss and damages to the petitioners, that too, for no fault on their part. Thus, they deserve to be compensated by way of grant of interest on delayed payment(s).

3. As an upshot of the aforesaid facts, 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 three months from the date of retirement of the petitioners till the actual

payment(s)/refund of the deducted amount(s), within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioners shall be at liberty to approach this Court.

December 05, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No