

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 246

Civil Writ Petition No.16984 of 2015

Date of Decision: December 05, 2017

Ravi Bhardwaj

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Rajeev Dev Sharma, Advocate, for the petitioner.

Ms. Akanksha, AAG, Punjab,

Ms. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate
for respondent Nos.3 and 4.

. . .

Jaspal Singh, J

1. By virtue of this civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to pay all the retiral benefits along-with interest @ 18% per annum on the delayed payments of all the retiral benefits as well as arrears from the date it became due till its actual realization.

2. Undisputably, all the retiral benefits have been paid to the petitioner during the pendency of the present petition. Accordingly, the writ petition has been rendered infructuous, in as much as grant of retiral benefits

is concerned. However, no interest on the delay payment(s) of retiral benefit has been granted.

3. Concededly, petitioner stood retired on April 30, 2015 on attaining the age of superannuation but retiral benefits were not paid to the petitioner. There is no reason what to talk of any plausible reason or justification for delayed disbursement of retiral benefits. thus, it is also 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. In case of *A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468*, the Full Bench of this Court observed that a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. To the similar effect are the judgments delivered by Hon'ble Apex Court in the cases of *Ex. Capt. R.S. Dhull vs. State of Haryana, 1998(2) SCT 729* and *Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267*.

5. It is also well settled that proper time for the disbursement of retiral benefits will depend on the facts and circumstances of each case but normally it would not exceed three months from the date of retirement which time limit has been laid down by the Apex Court in *State of Kerala vs. M. Padmanabhan, AIR 1985 SC 356; D.D. Tewari (D) through LRs vs.*

Randhawa vs. State of Punjab (supra); J.S. Cheema vs. State of Haryana & others, 2014(3) RCR (Civil) 355; and Manohar Lal vs. State of Punjab & others, 2016(4) SCT 250 as well as judgment of Madhya Pradesh High Court in case ***Sudha Chhipa & others vs. State of M.P. & others, 2014 LIC 2125.***

6. Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 9 % per annum, on the delayed payment(s) of retiral benefit after expiry of three months from the date of retirement of petitioner till its actual payment, is legally and factually justified. Accordingly, this Court awards an interest @ 9% per annum on the delayed payments after the expiry of three months from the date of retirement of the petitioner, which shall be paid by the respondents after calculating the same within a period of three months from the date of receipt of certified copy of this judgment. In case of non-compliance of this order, the petitioner shall be at liberty to approach this Court.

9. Disposed of.

DECEMBER 05, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No