

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.278

Civil Writ Petition No.18426 of 2015
DECIDED ON: November 09, 2017

SODAN SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, Additional Advocate General,
Haryana.

JASPAL SINGH, J.

By virtue of the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari, quashing the order dated February 10, 2015 (P-2) passed by respondent No.3 whereby interest of delayed payment has been declined with further issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of two years service of extension period with two annual increments along with arrear of pay and revised the pension after granting two increments and release the interest of delayed payment of retiral benefits i.e. GPF, Gratuity, Leave Encashment, GIS, Computation, arrear of pension and other benefits along with interest @ 18% per annum.

2. Concededly, petitioner who joined as Patwari on 15.02.1975 and was compulsory retired from service by not giving extension in service beyond the age of 56 years w.e.f. 31.01.2006 and subsequent thereto, the benefits have already been released/disbursed to him but after a considerable delay. At the time of disbursement of retiral benefits, no interest on the delayed payments has been paid by the respondents.

3. The question of grant of interest on the delayed payments of retiral benefits is no more *res-integra*, as by now it is pretty settled that the retiree who has been deprived of the use of his retiral benefits at the appropriate time, is deserves to be compensated by way of interest. 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 payment(s) of the retiral benefits could not be disbursed earlier i.e. on the date of retirement.

4. Moreover, in this regard we can have be reference of judgments of Hon'ble Apex Court rendered in the cases of ***A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468; Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267., State of Kerala vs. M. Padmanabhan, AIR 1985 SC 356; D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Nitran Nigam Ltd., 2014(4) S.C.T. 128; 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.***

5. Even, the Government of Haryana has also issued instructions dated February 20, 2012, which prescribes for the grant of interest on the delayed payments of retiral benefits, particulary, when the delay exceeds a period of three months in settlement and payment of such retiral benefits.

6. Here, it would also be pertinent to mention that though the above-said instruction is in existence but the same appears to be on paper only and is not being adhered to in its letter and spirit. Equally, settled is proposition that proper time for disbursement of the retiral benefits depends upon the facts and circumstances of each case. Yet normally, it would exceeds three months from the date of retirement, which limit has been fixed by Hon'ble Apex Court in the case of *State of Kerala vs. M. Padmanabhan, AIR 1985 SC 356*. Thus, it emerges that the retiree is entitled to the interest on the delayed payments after the expiry of three months period from the date of retirement till its actual payment and the grant of interest @9% per annum has already been held to be legally and factually justified to which the retiree is entitled.

7. Accordingly, this Court awards an interest @ 9% per annum on the delayed payment(s), if not paid, which shall be calculated after the expiry of three months from the date of retirement of petitioner.

8. Disposed of accordingly.

November 09, 2017

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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No