IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.233

Civil Writ Petition No.19095 of 2015
DECIDED ON: *November 10, 2017*

BABLI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dharmender Singh Rawat, Advocate,
for the petitioner.

Mr. Ram Tilak Redhu, Deputy Advocate General, Haryana.

Mr. Raghav Talwar, Advocate for
Mr. Aman Bahri, Advocate,
for respondent No.4.

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JASPAL SINGH, J.

By virtue of the instant writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to revise the pension of the husband of the petitioner in accordance with Revised Pay Rules, 2008 made applicably by the respondents vide order dated April 21, 2010 (P-1), on all the employees of Privately Managed Govt. Aided Private Schools w.e.f. January 01, 2006 with all consequential benefits including re-fixation of family pension of the petitioner and revised gratuity along with interest

@ 12% per annum on arrears of revised pay, arrears of pension/family pension and revised gratuity with further issuance of a writ in the nature of mandamus directing the respondents to release the gratuity already sanctioned to her husband vide letter dated March 12, 2014 (P-2) as per unrevised pay scales along with 12% interest plus 9% penal interest from the date of accrual of gratuity to date of actual payment of said gratuity amount as there is absolutely no justification on the part of the respondents not to release the gratuity amount which has already been sanctioned by the Govt. One and half year back.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that husband of the petitioner namely Sh. Mani Ram was appointed as S.S. Master on July 08, 1989 against regular post in A.S.D. High School, Pull Bazaar, Narnaul, District Mahindergarh. On November 30, 2012, he was retired from the services and was untimely died on May 01, 2013. The reitral benefits along with arrears were released to the petitioner prior to filing of instant petition but with an inordinate delay on the part of the respondents. As such, petitioner is entitled to interest on the delayed payments.

3. 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 husband of the petitioner within the aforesaid reasonable period of three months.

4. Considering the facts of the case in hand, as per reply dated March 28, 2016, gratuity, pension/family pension, revised gratuity and arrears of pension etc. were made on different dates i.e. even after the expiry of three months from the date of retirement of the husband of the petitioner. It is a settled principle that grant of interest on the delayed payment is on account of the fact that retiree/family of deceased employee was unable to enjoy its fruits immediately on his retirement/death of the employee and then a right accrues to them to be compensated and the only way to compensate them is to pay interest for the period of delayed payments. Now, a question arises as to the period in which the retiral benefits should be disbursed to the retiree/family of deceased employee.

5. 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 after expiry of three months from the date of retirement of the husband of the petitioner till the actual payment, is legally and factually justified. Accordingly, this Court awards an interest @

9% per annum on the delayed payment(s) w.e.f. March 01, 2013 to actual date of payment. Accordingly, respondents are directed to calculate the interest on the delayed payments reflected in the aforesaid reply within a period of three months from the date of receipt of a certified copy of this judgment and disburse the same within a period of two months thereafter.

6. Disposed of accordingly.

November 10, 2017 **(JASPAL SINGH)**
Ankur **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**