**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.237

Civil Writ Petition No.19376 of 2015
DECIDED ON: *November 07, 2017*

BHARPAI AND ANOTHER

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. V.D. Sharma, Advocate,
for the petitioners.

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

Mr. Pranav Handa, Advocate for
Mr. Prateek Gupta, Advocate,
for respondent No.4.

*****

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus, directing the respondents to release the retiral benefits i.e. pension, gratuity, leave encashment etc. as admissible under Rules on superannuation to the petitioners and arrears be paid along with interest @ 12% per annum.

2. During the course of arguments, it has come to light that respondents have already made the payment of the retiral benefits to the petitioners after the registration of the instant petition and during the pendency thereof. But there is a considerable delay in making the payment of the aforesaid retiral benefits which cannot be attributed to the petitioners. 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 petitioners within the aforesaid reasonable period of three months.

3. Undoubtedly, petitioners could not enjoy the fruits of the retiral benefits immediately on their retirement and they were deprived the said enjoyment that too, for no fault on their part.

4. As an upshot of the aforesaid facts, instant petition is disposed of with a direction to respondent No.4 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.

November 07, 2017 **(JASPAL SINGH)**
Ankur **JUDGE**

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