

CWP No.21089 of 2016
CWP No.21119 of 2016

Ankur Goyal
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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.: 262/2

Civil Writ Petition No.21089 of 2016

Date of Decision: *December 04, 2017*

SUNHARI

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

2.

Civil Writ Petition No.21119 of 2016

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..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

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HON'BLE MR. JUSTICE JASPAL SINGH

PRESENT: Mr. M.J.S. Bedi, Advocate,
for the petitioner in both cases.

Ms. Jasleen Kaur, Assistant Advocate General, Punjab.

. . . .

Jaspal Singh, J.

This judgment shall dispose of two Civil Writ Petition
Nos.21089 of 2016 and 21119 of 2016 as similar question of facts and law
is involved in the petitions.

2. Through these petitions, the petitioners have sought issuance of a writ(s) especially in the nature of Mandamus, seeking/direction to the respondents to pay the interest @ 18% per annum on the delayed payment of retiral benefits.

3. Learned counsel for the petitioners has submitted that though the retiral benefits have been released by the respondents to the petitioners but with an inordinate delay for which no plausible explanation has been furnished by the respondents. However, no interest on delayed payment(s) has been awarded, to which, they are legally entitled.

4. 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 pending 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 benefits accrued on account of retirement have not been released to the petitioners within the aforesaid reasonable period of three months rather, after a considerable delay and on that account, petitioners could not enjoy the fruits of the retiral benefits immediately on their retirement and were deprived the said enjoyment that too, for no fault on their part. Thus, they deserve to be compensated by way of grant of interest on delayed payment(s) and in view of the settled principles and the Instructions issued by the State of Punjab dated May 10,

1990, the petitioners are entitled to 9% interest on delayed payment which also legally and factually justified.

5. Thus, taking into consideration the aforesaid facts & circumstances, instant petitions are disposed of with a direction to the 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 till the actual payment(s) of the various dues, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of order, petitioner(s) shall be at liberty to approach this Court.

December 04, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No