

CWP No.22147 of 2015
CWP No.25162 of 2015

Ankur Goyal
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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 292/2

Civil Writ Petition No.22147 of 2015
Date of Decision: December 01, 2017

BODH RAJ

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

2. Civil Writ Petition No.25162 of 2015

CHARAN DASS

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

CORAM HON'BLE MR. JUSTICE JASPAL SINGH

PRESENT: Mr. Vipin Mahajan, Advocate,
for the petitioner in both cases.

Mr. Daldeep Singh Sukarchakia, DAG, Punjab,
for respondent No.1.

Mr. Sachin Luthra, Advocate for
Mr. I.S. Sidhu, Advocate,
for respondents No.2 & 3.

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Jaspal Singh, J.

This judgment shall dispose of two Civil Writ Petition
Nos.22147 of 2015 and 25162 of 2015 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 @ 12% 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 a great 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 this order, petitioner(s) shall be at liberty to approach this Court.

December 01, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No