

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

Sr. No.293

**Civil Writ Petition No.23397 of 2015
DECIDED ON: December 01, 2017**

OM PATI

..PETITIONER

VERSUS

**HARYANA URBAN DEVELOPMENT AUTHORITY (HUDA) AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Suresh Aahlawat, Advocate,
for the petitioner.

Mr. Abhilaksh Grover, Advocate,
for the respondents.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to grant the interest @ 18% per annum on the amount of GPF to the tune of Rs.4,26,074/- which has been withheld by the respondents.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that the husband of the petitioner namely Sh. Jai Bhagwan was working as Water Pump Operator in the office of Haryana Urban Development Authority, Division No.II, Faridabad and retired on April 30, 2013 on attaining the age of superannuation. After his

retirement, all retiral/pensionary benefits were released to him except GPF amount to the tune of Rs.4,26,000/-. Husband of the petitioner moved from pillar to post to get this amount of GPF and unfortunately he died on November 17, 2013. After the death of her husband, vide letter dated January 23, 2015, respondent No.2 sanctioned the GPF amount of Rs.4,26,000/- in favour of the petitioner after the huge delay on the part of the respondents without any fault on the part of the petitioner. But this payment was made to the petitioner on March 12, 2015. As such, petitioner is entitled to interest on the delayed payments.

3. 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, payments could not be made on the date of retirement considering a number of such 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, benefits accrued, on account of retirement have not been released to the husband of the petitioner within the aforesaid reasonable period of three months rather, after a great delay and on that account husband of the petitioner could not enjoy the fruits of the retiral benefits immediately on his retirement and was deprived the said enjoyment that too, for no fault on his part. Thus, petitioner deserves to be compensated by way of grant of interest on delayed payment(s).

4. Taking into consideration the facts & circumstances of the case in hand, instant petition is disposed of with a direction to 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 of the husband of the petitioner till the actual payment(s), 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 shall be at liberty to approach this Court.

December 01, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No