

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

**CWP No. 18881 OF 2017
DECIDED ON: DECEMBER 21, 2017**

KULWANT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. C.M. Chopra, Advocate,
for the petitioner.

Mr. Ramesh Lal, AE, Ranjit Sagar Dam, Shahpurkandi, Pathankot
along with Ms. Devaki Anand Sullar, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature mandamus, directing the respondents to release 18% interest on the delayed retiral payment.

2. Concededly, the petitioner stood retired as Assistant Foreman Special (AFS) on 30.06.2011, on attaining the age of superannuation. However, the retiral benefits were not disbursed to the petitioner on the date of his retirement. Rather, the same were disbursed after a considerable delay subsequent to his retirement. There is nothing on the record to show that the delay in disbursement of various amount is in any way attributable to the petitioner. Rather, the delay is prima facie proved to have occurred due to lapse and omission on the part of the respondents in not taking the documents of the

petitioner at appropriate time and at appropriate form.

3. No doubt, some service matter was pending before the Supreme Court, which stood culminated on 16.07.2014 but that has nothing to do with the disbursement of the retiral benefits as there was no stay or any other such order, which restricted the respondents from releasing the retiral benefits.

4. By now, it is pretty settled that employers are supposed to make the payment of retiral benefits on the date of retirement of the employee, which is his/her hard earned money or at the most, within a period of three months from the date of his retirement. Even in the case in hand, the benefits have been disbursed to the petitioner beyond a period of three months from the date of his retirement. The petitioner stood deprived of the use of the various amounts, to which, he is legally entitled at the time of his retirement and can be said to be illegally and unlawfully withheld by the respondents, for which, he deserves to be compensated.

5. Accordingly, petition is allowed and petitioner is held entitled to interest @ 9% per annum on delayed payment, after the expiry of three months from the date of retirement of the petitioner till the actual payment of the various amounts, which shall be calculated and paid to the petitioner, within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of this order, petitioner shall be at liberty to approach this Court.

DECEMBER 21, 2017
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(JASPAL SINGH)
JUDGE

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