

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

CWP No.23991 of 2016

Date of decision: September 22, 2017

Prem Chand Singla and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.C. Chaudhary, Advocate
for the petitioners.

Ms. Devaki Anand Sullar, AAG, Punjab
for respondent No.1-State.

Mr. Ankit Aggarwal, Advocate for
Mr. Anupam Singla, Advocate
for respondent No.2.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of direction/order to the respondents for release of interest @ 9% per annum on the delayed payment, arrears of payment of gratuity and leave encashment after the increase of dearness allowance @ 13% as well as payment of arrears of gratuity and leave encashment after increase of dearness allowance @ 13% from the date of retirement till payment.

Undisputably, only the question of interest on the delayed payments of gratuity and leave encashment after the increase of dearness allowance @ 13% survives for consideration.

As far as the maintainability of the writ petition under Article 226/227 of the Constitution of India for claiming/granting of interest on the delayed payments is concerned, it is legally maintainable in view of the various decisions of Hon'ble Apex Court as well as this Court and one of those judgments which can profitably be referred to is the judgment delivered by the

Full Bench of this Court in case of AS Randhawa Vs. State of Punjab and others, 1997 (3) SCT 468.

The controversy with regard to interest on delayed payment(s) of retiral benefits came up for hearing before this Court by way of Civil Writ Petition No.19405 of 2015 captioned as *Jasbir Singh and others Vs. Pepsu Road Transport Corporation* decided on 28th April, 2016 along with other connected writ petitions. The operating part of the aforesaid order reads as under:-

“Accordingly, these petitions are allowed and the respondents are directed to pay interest @ 9% in CWPs 13405, 15324 and 15974 of 2015 while the respondents would calculate the delay in the remaining cases and award 9% interest on the period of delay on the amounts released and on the amounts yet to be released as they are still withheld. However, the interest would run with effect from three months after the date of superannuation in each of the cases till payment. The order be complied with within three months from the date of receipt of certified copy of this order”.

Since the instant petition also pertains to the grant of interest on delayed payments and Pepsu Road Transport Corporation is one of the respondent as well as similar matters have already been decided by this Court also in CWP No.15306 of 2016 titled as *Hari Ram and others Vs. Pepsu Road Transport Corporation* and other connecting matters, the instant petition stands disposed of in terms of the aforesaid writ petition, the operative part of which has been reproduced above.

September 22, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No