

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25996 of 2014 (O&M)
DECIDED ON: July 24, 2017

VED PARKASH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Peeush Gagneja, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Additional Advocate General, Punjab.

Mr. Sandeep Khunger, Advocate,
for respondent No.4.

JASPAL SINGH, J (ORAL)

CM-9771-CWP-2017

Application is allowed as prayed for. Additional affidavit is taken on record subject to all just exceptions. Be tagged at appropriate place.

CM stands disposed of.

Main case

Through instant civil writ petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to furnish complete details of the

service-cum-retirement dues of the petitioner and to settle the account as well as not to deduct any amount from the pension of the petitioner without its adjustment to which the petitioner is entitled to receive, regarding which, representation (Annexure P-4) has already been submitted to the respondents.

2. In compliance of order dated 09.09.2016 passed by this Court, an affidavit of Mr. Gurdas Singh, Executive Officer, Municipal Council, Abohar on behalf of respondent No.4 has been furnished.

3. Para No.2 of the aforesaid affidavit is relevant which clinches the matter in controversy, it runs ut infra:-

“That the petitioner retired on 31.12.2009 on attaining the age of superannuation. The petitioner was working as Junior Assistant with Municipal Council, Abohar and he rendered 32 years 6 months 28 days service and therefore, he was getting the following emoluments from Municipal Council, Abohar:-

i)	Basic Pay	Rs.18740.00
ii)	Dearness allowance	<u>Rs. 5060.00</u>
	Total	Rs.23800.00

4. A glance at the aforesaid paragraph makes it crystal clear that the amount in excess has already been paid to the petitioner though with some delay. Undoubtedly, the petitioner is entitled to interest @ 12% per annum on the delayed payments, after the adjustment of amount outstanding against the petitioner.

5. The matter with regard to the grant of interest on delayed payment has been dealt by this Court in case **Charan Dass vs. State of Punjab & others**, CWP No.8772 of 2015, decided on July 11, 2017, wherein while,

referring to judgment rendered by this Court in **Amarjit Kaur vs. State of Punjab & others, 2011(1) Service Cases Today 85**; Full Bench of this Court in **A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468** as well as decisions rendered by Hon'ble Apex Court in **Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267**; **Ex. Capt. R.S. Dhull vs. State of Haryana, 1998(2) SCT 729**; **State of Kerala vs. M. Padmanabhan, AIR 1985 SC 356**; **D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Nitran Nigam Ltd., 2014(4) S.C.T. 128**; **J.S. Cheema vs. State of Haryana & others, 2014(3) RCR (Civil) 355**; and **Manohar Lal vs. State of Punjab & others, 2016(4) SCT 250** as well as judgment of Madhya Pradesh High Court in case **Sudha Chhipa & others vs. State of M.P. & others, 2014 LIC 2125**, has observed as under:-

“At the most, the respondents could have taken a period of three months from the date of retirement during which the payment of retiral benefits should have been disbursed to the petitioner. In the aforesaid cases, the rate of interest to be paid on delayed payment has been held to be reasonable to the tune of 12% per annum which may even go up to 18% in certain cases. Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 12% per annum, on the delayed payment after expiry of three months from the date of retirement of petitioner till the payment, is legally and factually justified. Accordingly, this Court awards an interest @ 12% per annum on the delayed payment w.e.f. April 01, 2014 to actual date of payment i.e. June 03, 2016, which shall be paid by the respondents after

calculating the same within a period of three months from the date of receipt of certified copy of this judgment.”

6. Undoubtedly, petitioner, in this case, superannuated on December 31, 2009. Taking into consideration the facts & circumstances of the case in hand and following the dictum of above referred authoritative judgments, this Court is of the considered view that grant of interest @ 12% per annum, on the delayed payment after expiry of three months from the date of retirement of petitioner till its actual payment, is legally and factually justified. This Court awards an interest @ 12% per annum on the delayed payment w.e.f. April 01, 2010 to actual date of payment which shall be paid by the respondent(s) after calculating and adjusting the amount recoverable from the petitioner within a period of two months from the date of receipt of certified copy of this judgment.

7. Disposed of.

July 24, 2017
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***