

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

Sr. No.211

Civil Writ Petition No.26846 of 2014
DECIDED ON: November 30, 2017

BALWINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Sharma Budhladawale, Advocate,
for the petitioner.

Mr. Daldeep Singh Sukarchakia, Deputy Advocate General,
Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to pay interest @ 15% on the delayed payment of medical reimbursement and other claims made vide Annuxure P-6 attached to the petition along with special cost of Rs.10,000/- in terms of the Division Bench judgment of this Court

reported as (1996-1) 112 Punj.LR. 477 (P&H) (DB) for undue delay, financial injury and mental agony and sufferance.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that the deceased wife of the petitioner namely Smt. Sarabjit Kaur was working as Punjabi Mistress in the Government Middle School, Joga Nand, District Bathinda which is running in the complex of Government Senior Secondary School, Gobindpura, District Bathinda, who was suffering from Cancer and ultimately she breathed her last on July 08, 2013. Learned counsel for the petitioner further submits that some benefits were released to the petitioner prior to filing of instant petition and some were released after filing of instant petition but with an inordinate delay on the part of the respondents. As such, petitioner is entitled to interest on the delayed payments.

3. Truly, it is expected that in case of an employee retiring after having rendered service or dying during service, that all the payment(s) of the accrued benefits should be paid on the date of retirement or soon after demise. If for some unforeseen reasons or circumstances the payments could not be made immediately on account of fact that number of such cases and the procedure to be adopted, it is settled proposition that at the most, employer is obliged to release the pensionary or other benefits maximum within a period of three months from the date of death of employee or his/her retirement. But in the case in hand, even the benefits accrued on account of retirement/death of the employee have not been released to the petitioner within the aforesaid reasonable period of three months.

4. Considering the facts of the case in hand, as per reply dated July 03, 2015, GIS, Death-cum-Retirement Gratuity, Revised DCRG, GIS

Linked Insurance, General Provident Fund, Grade revision, Ex Gratia and medical bills etc. were made on different dates i.e. even after the expiry of three months from the death of the wife of the petitioner. It is a settled principle that grant of interest on the delayed payment is on account of the fact that retiree/family of deceased employee was unable to enjoy its fruits immediately on his retirement/death of the employee and then a right accrues to them to be compensated and the only way to compensate them is to pay interest for the period of delayed payments. Now, a question arises as to the period in which the retiral benefits should be disbursed to the retiree/family of deceased employee.

5. Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 9% per annum, on the delayed payment after expiry of three months from the date of submission of death certificate of Smt. Sarabjit Kaur till the actual payment(s), is legally and factually justified and order is made accordingly. Thus, respondents are directed to calculate and make the payment of the interest on the delayed payment(s) within a period of three months from the date of receipt of a certified copy of this judgment.

6. Disposed of accordingly.

November 30, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No