

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 216

Civil Writ Petition No.5775 of 2014 (O & M)
Date of Decision: August 10, 2017

Kirpal Singh

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Sunil Agnihotri, Advocate, for the petitioner.

Ms. Sudeepti Sharma, Additional Advocate General,
Punjab.

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Jaspal Singh, J

1. By virtue of this civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release Death –cum- Retirement Gratuity (DCRG).

2. At the very outset of arguments, learned counsel for the petitioner has stated at bar that retiral benefits were released to him. Leave encashment amounting to ₹ 93,160/- was released to petitioner on February 10, 2000 vide Bill No.90.

3. As far as DCRG is concerned, it was withheld because of registration of a criminal case viz. FIR No.143 dated August 11, 1999 under

which he was convicted by the trial court vide judgment dated December 09, 2010 and sentenced to RI for 6 months besides fine ₹ 500/-. However, vide judgment dated October 22, 2012 passed by the appellate court, petitioner has been acquitted, whereafter, the case of DCRG was taken up and finally, DCRG was paid to petitioner on November 03, 2014.

4. Accordingly, the writ petition has rendered infructuous, in as much as, grant of DCRG is concerned. Now a question arises as to the period in which DCRG should be disbursed to the retiree, especially to see whether the petitioner is entitled for payment of interest on delayed payment?

5. As regards grant of interest on delayed payment of retiral benefits, the matter in controversy 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, 1999 and DCRG was withheld because of registration of a criminal case against him. 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 @ 9% per annum, on the delayed payment after expiry of three months from the date of his acquittal till its actual payment, is legally and factually justified. This Court awards an interest @ 9% per annum on the delayed payment of DCRG w.e.f. February 21, 2013 to November 03, 2014 which shall be paid by the respondent(s) after calculating the same within a period of three months from the date of receipt of certified copy of this judgment.

August 10, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No