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

Civil Writ Petition No.6802 of 2017 (O&M)
DECIDED ON: *<u>November 17, 2017</u>*

AVTAR SINGH ..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS ..RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Barjesh K. Sharma, Advocate for the petitioner.

Ms. Devaki Anand Sullar, AAG, Punjab.
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<u>JASPAL SINGH, J.</u>

By virtue of the instant 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 pay/release the gratuity to the petitioner which is withheld by the respondents without any rhyme and reason with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the respondents have already made the payment of gratuity to the petitioner during the pendency of instant petition. But there is a considerable delay in making the payment of the aforesaid benefit, which cannot be attributed to the petitioner. Rather the delay appears to have occurred on account of omission on the part of the respondents. The only relief now, which the petitioner claims is with regard to interest on delayed payment. As far as maintainability of a writ in the nature of mandamus for the grant of interest is concerned, by now it is pretty settled that same is legally maintainable. In this regard, we can have the reference of the pronouncement of the judgment in case ***A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468*** as

well as ***Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267***. In case ***Vijay L. Mehrotra (supra)***, the Hon'ble Apex Court, has specifically observed that retiree is entitled to the grant of interest on the delayed payment of retiral dues. It was observed that in case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen reasons or circumstances, the payments could not be made on the date of retirement. Otherwise also, considering a number of cases and the procedure to be adopted, it is settled that at the most the employer is obliged to release the pensionary benefits maximum within a period of three months from the date of retirement. But in the case in hand, even the benefits accrued on account of retirement have not been released to the petitioners within the aforesaid reasonable period of three months.

3. Undoubtedly, petitioner could not enjoy the fruits of the retiral benefits immediately on his retirement and he was deprived the said enjoyment, that too, for no fault on his part.

4. As an upshot of the aforesaid facts, instant petition is disposed of with a direction to respondent(s) to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till the actual payments of the various dues from the date of receipt of a certified copy of this order.

5. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court

November 17, 2017 **(JASPAL SINGH)**
sonika **JUDGE**

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