

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

Sr. No.315

Civil Writ Petition No.3061 of 1993 (O&M)
DECIDED ON: January 24, 2018

HARCHARAN SINGH BHATIA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Ms. Deepali Puri, Additional Advocate General, Punjab.

JASPAL SINGH, J.

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to pay pension, gratuity, G.P.Fund and other retiral benefits along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner stood voluntarily retired on October 31, 1985 but the retiral benefits were not disbursed to him after a considerable period. Ultimately, he was constrained to file instant petition and during the pendency thereof, the retiral benefits were disbursed to the petitioner. There was no stay or

bar in the aforesaid writ petition in granting the retiral benefits. As such, he deserves to be compensated by way of grant of interest on delayed payments which he could not utilized for its proper use.

3. On the other hand, learned State counsel has argued with vehemence that no doubt petitioner stood retired on October 31, 1985 yet every efforts were being made by the respondents for the grant of retiral benefits but on account of fact that certain records including service book were not traceable to its logical conclusion, therefore, instant petition could not be taken up. However, on April 22, 2014 under mysterious circumstances the original service book of the petitioner was received and immediately thereafter the case of the petitioner was prepared for the grant of retiral benefits as well as pension. Accordingly, the necessary benefits were released/disbursed to the petitioner.

4. This Court has given a deep thought to the aforesaid rival submissions made by learned counsel for the parties and have also minutely scanned the various documents available on file.

5. Concededly, petitioner sought voluntary retirement, which was accepted and he stood retired w.e.f. October 31, 1985. He was not received the retiral benefits on the date of his retirement or within some reasonable period. Subsequent thereto, he knock the door of this Court by way of Civil Writ Petition. Even, during the pendency of instant petition, the retiral benefits were not extended to the petitioner, though one reason or the other. The petitioner cannot be fastened any liability in this regard as the entire record including service book to be maintained was the duty of the employer. The entire fault lies various official(s) of the respondents-

department who did not re-construct or complete the record which ultimately resulted in delay for grant of the retiral benefits.

6. Undoubtedly, petitioner stood voluntarily retired on October 31, 1985. From the reply, it is evident that the retiral benefits were paid to the petitioner after a long delay. At the most, respondents could have taken a period of six months from the date of voluntary retirement during which, payment of retiral benefits should have been disbursed to the petitioner in light of the judgment rendered by this Court in CWP No. 12104 of 2015 titled as Balbir Singh Vs. State of Haryana & ors. decided on December 01, 2017.

7. Instant petition is disposed of with a direction to respondents to calculate and grant the interest @ 9% per annum on the delayed payment(s), after expiry of six months from the date of his voluntary retirement till the actual payment(s) of the different amounts, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of order, petitioner shall be at liberty to approach this Court.

January 24, 2018

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No