

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

Sr. No.218

Civil Writ Petition No.11138 of 2015
DECIDED ON: January 19, 2018

SURINDER KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. T.P.S. Chawla, Deputy Advocate General, Punjab.

Mr. Puneet Bhandari, Advocate for
Mr. Vishal Gupta, Advocate,
for respondent no.4.

JASPAL SINGH, J. (ORAL)

Affidavit of Vijay Kumar Jindal, Executive Officer, Municipal Council, Abohar has been filed by learned counsel for respondent No.4 today in Court, which is taken on record subject to all just exceptions and be tagged at appropriate place.

2. Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to release the service-cum-retirement benefits along with interest @ 18% per annum.

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3. Concededly, petitioner stood retired from the post of Fire Driver on attaining the age of superannuation on March 31, 2015 and at that time, neither any judicial proceedings nor any departmental inquiry was pending against him. But despite that fact the retiral benefits were not disbursed to the petitioner which should have been disbursed in accordance with service rules either on the date of his retirement or maximum within a period of three months from the date of his retirement. But nothing was done which necessitated the filing of the instant petition.

4. During the pendency of instant petition, though retiral benefits have since been disbursed to the petitioner yet no decision was taken with regard to grant of interest on the delayed payment by the respondent No.4 i.e. Municipal Council. Through its counsel, Mr. Vijay Kumar Jindal, Executive Officer, Municipal Council, Abohar, who is present in the Court today, he has been accosted with regard to non-grant of interest on the delayed payments in pursuance of the Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab as well as settled proposition of law laid down in a catena of cases, not only by this Court and the Hon'ble Apex Court also, but he has feigned ignorance about the same. Since, delay is absolutely unexplained and the entire fault lies with respondent No.4-Municipal Council in not making the payment of the retiral benefits within the prescribed period referred to above. The petitioner stood deprived of the benefits of the amount of the retiral benefits for a sufficient period on account of fault of respondent No.4 i.e. Municipal Council. As such, respondent No.4-Municipal Council is liable to pay the interest to compensate the damage suffered by the petitioner.

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5. This Court is of the considered view that grant of interest @ 9% per annum on the delayed payment would be suffice to compensate the petitioner. Accordingly, instant petition is disposed of with the direction to respondent No.4 i.e. Municipal Council to calculate the interest on the delayed payment after expiry of three months from the date of the retirement of the petitioner till the dates(s) of actual payments of the different amounts and make the payment thereof within a period of two months from the date of receipt of a certified copy of this order. In case of non-compliance of the above said order, petitioner shall be at liberty to approach this Court.

January 19, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**