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

Sr. No.235

**Civil Writ Petition No. 10468 of 2016
DECIDED ON:** *FEBRUARY 16, 2018*

SAT PAL SINGH

..PETITIONER

VERSUS

THE PUNJAB STATE POWER CORPORATION LTD. & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pankaj Sharma, Advocate,
for the petitioner.

Mr. Umesh Aggarwal, Advocate for
Mr. Amit Aggarwal, Advocate
for the respondents.

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JASPAL SINGH, J.

By virtue of the instant 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 release and pay the amount of Gratuity to him along with interest @ 18% per annum, as the same has not been paid to him till date, which is against the judgment of Hon'ble Apex Court in the caseof ***"State of Jharkhand vs. Jitendra Kumar Srivastava & Anr" 2013(12) SCC 2010"***.

2. At the very outset, it has been emerged that the amount of gratuity has already been released/disbursed to the petitioner. However,

there is a considerable delay in making the payment of the aforesaid retiral benefit which cannot be attributed to the petitioner.

3. Petitioner stood retired on attaining the age of superannuation on May 31, 2015 whereas, the retiral benefits such like gratuity etc has been released after a considerable delay despite the fact that neither any departmental nor any judicial proceeding was pending against the petitioner at the time of his retirement. Rather, delay appears to have occurred on account of omission or lapse on the part of the respondents. In ***Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267***, the Hon'ble Apex Court, has 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, considering a number of cases and procedure to be adopted, the employer is obliged to release the pensionary benefits maximum within a period of three months from the date of retirement. In the case in hand, the benefits accrued on account of retirement have not been released to the petitioner within the aforesaid reasonable period of three months rather, after a considerable delay and on that account he could not enjoy the fruits of the retiral benefits immediately on his retirement and was deprived the said enjoyment that too, for no fault on his part. Thus, he deserves to be compensated by way of grant of interest on delayed payment(s).

3. As an upshot of the aforesaid facts, 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 three months from the date of retirement till the actual payment(s) of the various dues, 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.

FEBRUARY 16, 2018 **(JASPAL SINGH)**
SHAM **JUDGE**

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