

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10932 OF 2016
DECIDED ON: APRIL 23, 2018

SHIV KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surmukh Singh, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J.(Oral)

Though the petitioner has preferred civil writ petition under Article 226/227 of the Constitution of India seeking issuance of a writ especially in the nature of mandamus directing the respondents to consider and decide the case of extension in service for two years (P-3) dated 01.03.2014 and (P-5) dated 21.04.2015 according to Punjab Govt. Instructions dated 08.10.2012 (P-1) and 20.09.2013 (P-2) and to release the salary for the period 01.02.2015 to 30.04.2016 with further prayer to release all other due benefits including medical reimbursement amounting Rs.37,517/- and APC as per rules along with arrear and full and final payment of GP Fund with interest @ 12%, yet, at the very outset of the arguments, it has been submitted by learned counsel for the petitioner that all the relief(s) claimed through instant petition has already been released/dispensed to the petitioner.

2. However, it has been submitted by learned counsel for the petitioner that though the petitioner stood retired on attaining the age of superannuation yet no interest on delayed payment of the retiral benefits has been granted to him, to which he is legally entitled.

3. Moreover, neither any departmental inquiry nor any judicial proceedings is pending on the date of retirement of the petitioner. Even, the written statement filed by the respondent by way of affidavit of Sh. Ranjit Singh, Principal SGAD Government College Tarn Taran is silent about this aspect, meaning thereby, for any lapse or omission in delaying the payment, petitioner cannot be held liable. Rather, it was obligatory on the part of the respondents concerned to make the payment of the retiral benefits either on the date of retirement of the petitioner or subsequent thereto within a period of three months. Since, petitioner has been deprived of the use of the retiral benefits at the proper time, he deserves to be compensated.

4. Accordingly, instant petition is disposed of with the direction to the respondents to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till actual payment, within a period of three months from the date of receipt of certified copy of this order.

5. In case of non-compliance of aforesaid order, the petitioner shall be at liberty to approach this Court.

APRIL 23, 2018
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(JASPAL SINGH)
JUDGE

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