

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.235

Civil Writ Petition No.1145 of 2016
DECIDED ON: February 15, 2018

BHOLA SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to release the interest on the delayed payment of pensionary benefits i.e. GPF, GIS etc. in terms of statutory rules, Govt. Instructions and law laid down by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468.***

2. The contention of learned counsel for the petitioner is that petitioner stood retired as Punjabi Master on January 31, 2013 on attaining

the age of superannuation. But the pensionary benefits i.e. GPF, GIS etc. were paid after an inordinate delay, that too, without there being no fault on the part of the petitioner. The non grant of the interest by the respondents on account of delayed payment(s) of the retiral benefits, is violative of the ***Instructions No.1/15/90IFPIII/4226 dated 10.05.1990*** issued by the Government of Punjab as well as law laid down by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** particularly when there is no plausible explanation for delay in disbursement or benefits. Moreover, neither any departmental or judicial proceedings was pending against the petitioner on the date of his retirement. Thus, the petitioner deserves to be compensated by way of grant of interest.

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 of the petitioner till the actual payment(s), within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to approach this Court.

February 15, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**