

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWPNo.13078 of 2015

DECIDED ON: *January 29, 2018*

RAJ KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

Ms. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate,
for respondent No.4.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus, directing respondents No.1 to 3 to accord sanction to pension case of petitioner. And further to pay all the retiral benefits i.e. gratuity, leave encashment, arrears on account of increase in D.A. and arrears on account of revised pay w.e.f. 01.01.2006 to 31.07.2009 i.e. for 43 months along with interest @ 18% per annum from the date the arrears are due till its payment as well as directing respondents No. 1 to 3 to take action against Executive Officer, Municipal Council, Dhanaula as per policy decision dated 12.06.2012 (Annexure P-3).

2. At the very outset of the arguments, learned counsel for the petitioner contends that the respondents have already made the payments

to the petitioner during the pendency of instant petition. However, no interest on the delayed payment has been made. There is a considerable delay in making the payment of the aforesaid benefits, which cannot be attributed to the petitioner. Rather, the delay appears to have occurred on account of omission on the part of the respondents. The only relief now, which the petitioner claims is with regard to interest on delayed payment.

3. Undoubtedly, petitioner could not enjoy the fruits of the retiral benefits immediately on his retirement and he was deprived of the said enjoyment, that too, for no fault on his part.

4. Instant petition is disposed of with a direction to respondent(s) to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till the actual payments of the various dues, within a period of three months from the date of receipt of a certified copy of this order.

5. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court

January 29, 2018

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**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**