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

CWP No.13796 of 2015 (O&M)
DECIDED ON: MARCH 19, 2018

SHER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ajay Shekhwat, Advocate
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondent to grant him superannuation pension/family pension on the basis of total qualifying service i.e more than 31 years, including service rendered in Haryana State Minor Irrigation Tubewel Corporation (for short 'HSMITC') With Further direction to release the amount of retiral benefits in accordance with modified pension along-with interest @18% per annum.

2. At the very outset of arguments, it has been emerged that the pension of the petitioner has already been refixed after having calculated his service rendered by him in HSMITC and the arrears have also been released. Thus, the substantive relief claimed by the petitioner have already been met with and the instant petition has rendered infructuous to that effect.

3. Though the substantive relief has already been met with. Yet the same has been granted after a long and inordinate delay for which there is no explanation furnished by the respondents. Petitioner stood retired on attaining the age of superannuation on April 30, 2013 and the employer's share of CPF along-with 10% compound interest was deposited by the petitioner on July 23, 2013 as verified by the Account Officer of the office of Additional Deputy Commissioner, Bhiwani on July 31, 2013. Subsequent thereto, it was obligatory upon the respondents to consider the claim of the petitioner for the grant of pension and the disbursement of the financial benefits accrued to the petitioner within some reasonable period. At the most, respondents could have taken a period of three months from the date of deposit of afore-said amount and the submission of papers along-with verification by the office of Additional Deputy Commissioner, Bhiwani. Accordingly, petitioner was constrained to approach this Court by way of instant petition in the Month of August 2015. However, during the pendency of instant petition, the benefits were released to the petitioner. Vide letter dated May 18, 2017 (Annexure R-1) the revised pension of the petitioner was released whereas, vide another letter of the same date, an amount of ₹1,40,715/- was released on account of DCRG. For the delay in disbursal of afore-said amounts and the grant of relief sought by the petitioner, petitioner could not be faulted with. Rather, the entire delay is attributable to the respondents, who have not acted promptly on depositing of employer's share of CPF and sending the papers by the officer of Additional Deputy Commissioner, Bhiwani along-with verification with regard to deposit of employer's share of CPF. The petitioner stood deprived of the use of the afore-said amount and suffered loss, which can only be compensated by way of grant

of interest.

4. Accordingly, instant petition is disposed of with a direction to respondents to calculate the amount of interest @9% per annum after an expiry of a period of three months from the date of verification by the office of Additional Deputy Commissioner, Bhiwani i.e. July 31, 2013 till actual payment. Needful shall be done by the respondents within a period of two months from the date of receipt of certified copy of this Order. In case of non-compliance of afore-said directions, petitioner shall be at liberty to have recourse to other remedied available under law, including to approach this Court.

MARCH 19, 2018 **(JASPAL SINGH)**
sham **JUDGE**

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