

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13491 OF 2016
DECIDED ON: JANUARY 25, 2018

VEENA RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature mandamus, directing the respondents to release gratuity, leave encashment as well as arrears of revised pay scale, bonus and D.A. installment etc. along with interest @ 18% p.a.

2. Concededly, the petitioner stood retired as Clerk/Junior Assistant on 30.11.2015, on attaining the age of superannuation. However, the retiral benefits were not disbursed to the petitioner on the date of her retirement. Rather, the same were disbursed after a considerable delay subsequent to her retirement. There is nothing on the record to show that the delay in disbursement of various amount is in any way attributable to the petitioner. Rather, the delay is prima facie proved to have occurred due to lapse and omission on the part of the

respondents.

3. By now, it is pretty settled that employers are supposed to make the payment of retiral benefits on the date of retirement of the employee, which is his/her hard earned money or at the most, within a period of three months from the date of his/her retirement. Even in the case in hand, the benefits have been disbursed to the petitioner beyond a period of three months from the date of her retirement. The petitioner stood deprived of the use of the various amounts, to which, she is legally entitled at the time of her retirement and can be said to be illegally and unlawfully withheld by the respondents, for which, she deserves to be compensated.

4. Accordingly, petition is allowed and petitioner is held entitled to interest @ 9% per annum on delayed payment, after the expiry of three months from the date of retirement of the petitioner till the actual payment of the various amounts, which shall be calculated and paid to the petitioner, within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of this order, petitioner shall be at liberty to approach this Court.

JANUARY 25, 2018
sonika

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>