

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

Sr. No.215

Civil Writ Petition No.14959 of 2015
DECIDED ON: August 28, 2018

OM PARKASH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harbans Lal Sharma, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of Mandamus directing the respondents to make payment of leave encashment, GIS and other pensionary benefits AS WELL AS to grant proficiency step up to him after 4 years of service on 04.03.2014 as Deputy Registrar without promotion in one cadre and fix his pay accordingly and grant all retiral benefits on the pay thus fixed by sending the revised pension case to the Accountant General, Punjab and make payments of all retiral benefits with interest @ 18% p.a. from the date of accrual on 31.12.2014.

2. At the very outset of the arguments, it has been pointed out by learned State counsel that the pension, leave encashment, amount of GIS and gratuity have already been released/disbursed to the petitioner on 13.01.2015, 06.08.2015, 24.09.2015 and 18.02.2015 respectively. Not only this even ACP scale, to which, petitioner is entitled has already been

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granted to him. As the various benefits accrued to the petitioner on account of his retirement have already been paid, the claim which survives now is for grant of interest on the delayed payment(s). As per Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, in case, benefits accrued to the employee on the date of his/her retirement are not paid within a reasonable period of three months from the date of his/her retirement, he/she deserves to be compensated by way of grant of interest @ 9% p.a. Moreover, delay, if any, cannot be termed to be attributable to the petitioner rather, it is attributable to the respondents who are supposed to release the benefits on the date of his retirement or within a reasonable period of three months thereof, which has not been done in the instant case.

3. Accordingly, instant petition has rendered infructuous as far as grant of relief with regard to payment of retiral benefit(s) is concerned. However, same is allowed qua grant of interest and is disposed of with the direction to the respondents to grant interest @ 9% p.a. after the expiry of three months from the date of retirement of the petitioner till its actual payment. The needful is expected to be done within a period of two months from the date of receipt of a certified copy of this order. In case of default or non compliance of the order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

August 28, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**