

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.213

Civil Writ Petition No. 15145 of 2015
DECIDED ON: FEBRUARY 16, 2018

SUBA SINGH

..PETITIONER

VERSUS

CHAIRMAN, PUNJAB STATE POWER CORPORATION LTD. &
OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Arti Kataria, Advocate, for
Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Puneet Bhandari, Advocate
for the respondents.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to release and pay all the retiral benefits to him such as pension, commuted pension, gratuity, GIS that too, along-with interest @ 18% per annum.

2. During the course of arguments, it has been emerged that the respondents have already released/disbursed the amount due to the petitioner on account of pension, commuted pension, gratuity and GIS on different dates. The details of which finds mention in the affidavit of Surinder Singh,

Senior Executive Engineer, PSPCL, Ajnala, District Amritsar dated

February 05, 2016. Thus, as far as the direction of mandamus for the disbursement of the afore-said benefits is concerned, instant petition has rendered infructuous.

3. However, at the glance of the afore-said affidavit depicts that payments on account of pension, gratuity, leave encashment, GIS have been made after a considerable delay. Concededly, neither any departmental inquiry nor any judicial proceeding was pending against the petitioner at the time of retirement. Though, it is expected that all the payment(s) of the retiral benefits should be paid on the date of retirement or soon thereafter, if for some unforeseen reasons or circumstances, the payments could not be made on the date of retirement, considering a number of cases and procedure to be adopted, the employer is obliged to release the pensionary benefits maximum within a period of three months from the date of retirement. In the case in hand, the benefits accrued on account of retirement have not been released to the petitioner within the aforesaid reasonable period of three months rather, after a considerable delay and on that account he could not enjoy the fruits of the retiral benefits immediately on his retirement and was deprived the said enjoyment that too, for no fault on his part. Thus, he deserves to be compensated by way of grant of interest on delayed payment(s).

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 till the actual payment(s) of the various dues, within a period of two months from the date of receipt of a certified copy of this

order. In case of non compliance of order, petitioner shall be at liberty to approach this Court.

FEBRUARY 16, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No