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

**CWP No.14242 OF 2016
DECIDED ON: FEBRUARY 21, 2018**

NARAIN SINGH .....PETITIONER

VERSUS

PUNJAB STATE POWER CO-OP LTD., AND OTHERS .....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Mr. R.L. Sharma, Advocate,
for the respondents.

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JASPAL SINGH, J. (Oral)

Through, instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to count the period of work charge service from 08.02.1979 to 30.10.1995 towards his pensionary benefits.

2. In response to the notice of motion issued by this Court on 21.07.2016, respondents have filed written statement through Senior Executive Engineer, Sub Urban Division, Punjab State Power Corporation Ltd., Pathankot.

3. A perusal of written statement transpires that petitioner had rendered service as work charge from 08.02.1979 till 30.10.1995 when his services were regularized by the respondents as Assistant Lineman, subsequently, he stood

retired on attaining the age of superannuation on 31.03.2013. Since the work charge service rendered by the petitioner for the aforesaid period was not being taken into consideration for the purpose of pensionary benefits, petitioner was constrained to serve legal notice dated 12.05.2016 and when no action was taken within some reasonable period, he preferred the instant petition. Now, in the written statement itself, the respondents have admitted that work charge service rendered by the petitioner for the period 08.02.1979 to 30.10.1995 followed by regularization of his service has already been counted towards qualifying service for the purpose of pensionary benefits in accordance with Rule 3.17 of Punjab CSR Vol.II and further that the necessary benefits accrued thereafter to the petitioner have now been paid as intimated by learned counsel for the respondents. However, the disbursement of aforesaid benefits has been disputed by learned counsel for the petitioner.

4. In the light of aforesaid situation and circumstances, this Court is of the considered view that instant petition can be disposed of by giving direction to the respondents.

5. Thus, instant petition is disposed of with the direction to the respondents to release the benefits, if not, released earlier, within a period of 15 days from the date of receipt of certified copy of this order. As far as grant of interest on delayed payment of the retiral benefits is concerned, the Employee Provident Fund (EPF) was deposited by the petitioner on 05.02.2016 and his case for the grant of pensionary benefits was to be initiated only subsequent to its deposit. So, at the most, the respondents could have taken a period of three months from the date of deposit of said EPF amount but the payment was stated

to be paid in the month of February 2018. It can be said that there is lapse or omission on the part of the respondents in non-disbursement of the retiral benefits within reasonable period after the deposit of EPF amount, for which, the petitioner cannot be made liable to suffer for the same as no fault can be attributed on his part for causing the delay. Accordingly, the respondents are directed to pay interest @ 9% per annum after the expiry of three months from the date of deposit of EPF amount till actual payment. Needful shall be done within a period of two months and in case of non-compliance of this order, the petitioner shall be at liberty to approach this Court.

FEBRUARY 21, 2018 **(JASPAL SINGH)**
sonika **JUDGE**

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