

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

(233)

CWP-14263-2016 (O&M)

Date of Decision: November 19, 2018

Vinod Kumar and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Mittal, Advocate, for the petitioner No.1.

Mr. Ayush Sarna, AAG, Punjab.

Mr. M.J.S. Bedi, Advocate, for petitioners No. 2 and 3.

Mr. Aman Sharma, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present writ petition has been filed for the release of the pensionary benefits.

As per the averments made in the writ petition, the petitioner No.1 joined the department on 15.03.1984 and retired as Junior Engineer on 31.07.2015. It is averred in the writ petition that without any justification, the pensionary benefits are not being paid to the petitioner despite request and representation. Notice of motion was issued on 04.11.2016.

A short affidavit on behalf of the Executive Officer, Municipal Council, Rampura Phul, District Bathinda has been filed today in the Court and the same is taken on record. In the said affidavit, the details with regard to the payment made to the petitioners No.1 to 3 have been given. Certain amounts are still to be paid to the petitioners. In paragraph 4 of the affidavit, it is has been mentioned that out of the total amount of Rs.11,95,207/- due to petitioner No.1, only Rs.2,73,072/- has been paid and balance amount of Rs.9,22,135/- is yet to be paid. In respect of petitioner No.2, out of the total due amount of Rs.5,97,284/-, only Rs. 1,00,000/- has been paid and balance amount of Rs.4,97,284/- is yet to be paid. In respect of petitioner No.3, out of the total due amount of Rs.3,46,359/-,

again a sum of Rs.1,00,000/- only has been paid and balance of Rs.2,46,359/- is yet to be paid.

No justification has been given for withholding the said amount which was due to the petitioners since long as petitioner No.1 retired on 31.07.2015; husband of petitioner No.2 retired on 07.12.2013 and husband of petitioner No.3 retired on 22.09.2014.

The delay in releasing the amount is without any justification. In paragraph 6 of the said affidavit, the respondents have undertaken to release the balance amount within a period of three months.

In view of the undertaking given before this Court, the amount due to all the petitioners be released by 28.02.2019 positively.

Further, in view of the inordinate and unexplained delay in releasing the pensionary benefits, the petitioner(s) will also be entitled for interest at the rate of 9% per annum from the respective date(s) the amount became due. The interest shall also be calculated and paid by 28.02.2019.

Counsel for the petitioners, at this stage, states that in case any of the petitioner feels that there is any mistake in calculating the amount, he/she will file a representation within a period of 2 weeks from today. The said representation shall also be taken into consideration for arriving at the total calculated amount to be paid to the petitioners.

The writ petition stands allowed, in the above manner.

(HARSIMRAN SINGH SETHI)
JUDGE

November 19, 2018
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No