221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15627 of 2015
DECIDED ON: JANUARY 25, 2018

SATYA NARAIN BHARDWAJ

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to refix and release the revised pension & arrear on the pay fixed as per Annexure P-2 along-with all retiral benefits such as gratuity, commutation pension etc, which are due to the petitioner along-with interest.

2. At the very outset, learned counsel for the petitioner has submitted that almost all the retiral benefits have already been received by the petitioner in compliance of letter dated January 11, 2018 issued by the Superintending Engineer, YWS Circle, Jind. However, no interest has been paid to which the petitioner is legally entitled.

3. On the other hand, learned State counsel submits that disciplinary

proceedings were pending against the petitioner on account of which retiral benefits could not be disbursed to him at the time of his retirement or subsequently within some reasonable period and ultimately, after the passing of order with regard to dropping of disciplinary proceedings pending against the petitioner, within no time the benefits have been released to him. He further undertakes that in case gratuity has not so far been released, the same shall be released within a short span of time.

4. This Court has given an anxious thought to the submission made by learned counsel for the parties, and have minutely gone through the letters which have been furnished in the Court.

5. Undoubtedly, some disciplinary proceedings were pending against the petitioner, which have since been dropped/closed as is evident from letter dated January 11, 2018 issued by Superintending Engineer, YWS Circle, Jind and information in this regard was also sent to the Accountant General (A&E), Plot No.5, Sec 33-B, Dakshin Marg, Chandigarh with a copy to Engineer-in-Chief, Haryana Irr. & W.R. Deptt., Panchkula. But the delay in disbursement of various retiral benefits cannot in any way attributed to the petitioner especially, in the circumstances that proceedings if any, which were stated to be pending with the respondents have been closed/dropped meaning thereby, that there was nothing incriminating against him. Since the petitioner was deprived of proper utilisation of the funds, which were to be received by him either on the date of his retirement or subsequent thereto, within a reasonable time and he could not avail that benefit timely. As a result thereof, he has suffered some damages, which can only be compensated by way of grant of interest to the petitioner on delayed payment(s).

6. By now, it is pretty settled that in case of an employee retiring after having rendered service, it is expected that all the payment 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).

7. 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. The non-compliance of the afore-said order shall not only be viewed seriously but disciplinary action could be initiated against the concerned authority.

JANUARY 25, 2018 **(JASPAL SINGH)**
sham **JUDGE**

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