

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.270

Civil Writ Petition No.14726 of 2016
DECIDED ON: February 01, 2018

MEGH SINGH

..PETITIONER

VERSUS

REGISTRAR CO-OPERATIVE SOCIETIES, PUNJAB, CHD & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Jagdeep Bains, Advocate, for the petitioner.

Mr. Harit Sharma, Advocate
for respondents No.2 and 3.

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 decide the legal notice dated March 29, 2016 (P-5) served upon the respondents whereby, he has sought the payment of his retiral dues including gratuity, leave encashment and provident fund payable to him on account of his retirement from service w.e.f. January 31, 2016

2. During the course of arguments, it has come to light that respondents have already made the payment of the retiral benefits to the petitioner during the pendency of the instant petition. However, there is a considerable delay in making the payment of the aforesaid retiral benefits which cannot be attributed to the petitioner. Rather, delay appears to have

occurred on account of omission or lapse on the part of the respondents. In *Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267*, the Hon'ble Apex Court, has observed 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).

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 01, 2018*Sham***(JASPAL SINGH)
JUDGE****Whether speaking/reasoned****Whether reportable****Yes****Yes/No**