

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

**CWP No.14762 OF 2016
DECIDED ON: FEBRUARY 26, 2018**

MOHINDER KUMAR

.....PETITIONER

VERSUS

UHBVNL AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Ms. Chhavi Sharma, Advocate for
Mr. P.S. Chauhan, Advocate,
for the respondents.

JASPAL SINGH, J (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari for quashing letter dated 19.06.2014 (Annexure P-1) to the extent it effects recovery by withholding an amount of Rs.75,075/- out of DCRG. And further directing the respondents to release withheld amount with interest as well as interest on delayed payments.

2. During the course of arguments, it has been pointed out by learned counsel for the respondents that an amount of Rs.75,075/- out of the Death-cum-Retirement Gratuity has already been released and disbursed to the petitioner in the month of December 2016, however, no interest on delayed

payment thereof has been paid by the respondents.

3. As far as grant of interest on delayed payment is concerned, by now, it is well settled not only in the light of Govt. of Haryana Instructions No.1/2(152)01-2FRII, dated 20.02.2002 as well as by catena of cases of Hon'ble Apex Court as well as of this Court that where the employer does not make the payment of retiral benefits either on the date of retirement or after the expiry of three months from the date of retirement, the retiree becomes entitled to the interest.

4. In the case in hand, the amount of gratuity to the tune of Rs.75,075/- was withheld by the respondents without any reason. There is nothing on the record to suggest that any disciplinary or judicial proceeding is pending against the petitioner on the date of his retirement. Rather, it has emerged during the course of arguments that aforesaid recovery stood washed off. In such circumstances, the withholding of the amount of Rs.75,075/- out of the amount of gratuity was illegal and factually not justified. Thus, the petitioner deserves to be compensated on account of delay in disbursement of the aforesaid benefit. The petitioner could not utilize the amount of Rs.75,075/- in a proper manner, only on account of lapse or omission on the part of respondents.

5. In the light of what has been discussed above, as far as petition qua quashing of order dated 19.06.2014 (Annexure P-1) regarding recovery of amount is concerned, it stands rendered infructuous. As far as relief with regard to grant of interest on delayed payment is concerned, it stands disposed of with the direction to the respondents to make the payment of interest @ 9% per

annum after the expiry of three months from the date of superannuation till the amount was actually paid. The needful shall be done within a period of two months from the date of receipt of certified copy of this order, failing which, the petitioner shall be at liberty to have recourse to the other remedies including filing of writ petition before this Court.

FEBRUARY 26, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>