

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

Sr. No.232

Civil Writ Petition No.17094 of 2016
DECIDED ON: April 24, 2018

RAJ KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagmeet Singh Moudgil, Advocate,
for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab,
for respondents No.1 & 3 to 6.

Mr. Rashpinder Singh, Advocate for
Mr. S.S. Behl, Advocate,
for respondent No.2.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction particularly in the nature of mandamus directing the respondent No.2 to 5 to grant interest @ 18% per annum on the delayed payment of his pensionary benefits.

2. At the very outset of the arguments, it has emerged that amount on account of GPF, DCRG, leave encashment, and other pensionary benefits has already been released to the petitioner, who stood retired on September

30, 2015 but after a great delay for which no interest has been granted by the respondents. At the most, respondents may take a period of three months from the date of retirement of the petitioner, that too, for the completion of the any formalities, but they are obliged to make the payment of the entire pensionary benefits maximum within a period of three months from the date of retirement of the petitioner. In the case in hand, all the pensionary benefits have been paid in the month of February, 2016. Thus, in view of the settled proposition of law, since the petitioner could not avail the proper utilization of the amount(s) to which he was legally entitled as referred to above and is deprived of its proper use, he deserves to be compensated that too, by way of grant of interest.

3. This Court is of the considered view that the grant of interest @ 9% per annum on the delayed payment(s) after expiry of three months from the date of retirement of the petitioner is legally and factually justifiable and order is made accordingly. As such, respondents are directed to calculate and make the payment(s) of interest after expiry of three months from the date of retirement of the petitioner on the delayed payment(s) till the actual payment(s) thereof @ 9% per annum as observed above. The needful shall be done by the respondents within a period of three months from the date of receipt of a certified copy of this order. In case, non compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under the law as well as to approach this Court.

April 24, 2018*Ankur***(JASPAL SINGH)
JUDGE****Whether speaking/reasoned
Whether reportable****Yes
Yes/No**