

**CWP No. 17294 of 2016
DECIDED ON: JANUARY 23, 2018**

DIDAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagdish Mitter, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to grant him the final payment GIS, arrears of dearness allowance w.e.f. January 01, 2005 to March 31, 2015 as well as arrears of leave encashment due of enhancement of dearness allowance from January 2015 till date along-with interest @18% per annum.

2. It has been submitted by the petitioner that petitioner stood retired on attaining the age of superannuation on March 31, 2015. Though all the retiral benefits were paid to the petitioner after his retirement and before the filing of instant petition but with a considerable delay. He further submits that no interest has been granted by the respondents on the delayed payments to which

petitioner legally entitled in view of judgment passed by Full Bench of this Court in the case of A.S. Randhawa vs. State of Punjab & others, 1997 (3) SCT 468.

3. As far as the liability to pay the retiral benefits is concerned by now it is well settled that all the payments of retiral benefit should be paid on the date of retirement or soon thereafter if for some unforeseen 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).

4. Accordingly, 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 three 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.

JANUARY 23, 2018
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(JASPAL SINGH)
JUDGE

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