

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

Sr. No.229

**Civil Writ Petition No.19472 of 2016
DECIDED ON: July 02, 2018**

SURESH CHANDER

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Virinder Kumar Shukla, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

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 especially in the nature of Certiorari/mandamus impugning the order dated 17.11.2015 (P-2) passed by the respondents declining the claim of the petitioner qua interest on delayed payments of retiral benefits i.e. Pension, Commuted Pension and Gratuity WITH Further direction to pay interest @ 12% per annum on the delayed payments of aforesaid retiral benefits from the due date till its actual payment.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on 31.05.2013 on attaining the age of superannuation. But the pensionary benefits i.e. Pension, Commuted Pension and Gratuity etc. were paid after a great delay, that too, without there being no fault on the part of the petitioner. The non grant of the interest by the respondents on account of delayed payment(s) of the retiral benefits, is violative of the **Instructions No.1/15/90IFPIII/4226 dated 10.05.1990** issued by the Government of Punjab as well as law laid down by Full Bench of this Court in case **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** particularly when there is no plausible explanation for delay in disbursement or benefits. Moreover, neither any departmental or judicial proceedings was pending against the petitioner on the date of his retirement. Thus, the petitioner deserves to be compensated by way of grant of interest.

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) of retiral benefits, after expiry of three months from the date of retirement of the petitioner till the actual payment(s), within a period of three months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

July 02, 2018

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No