

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 23560 OF 2014  
DECIDED ON: JANUARY 23, 2018

MANJIT KUMAR KHOSLA AND ORS.

.....PETITIONERS

V.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Gill, Advocate,  
for the petitioners.

Mr. TPS Chawla, DAG, Punjab.

Mr. R.S. Cheema, Advocate,  
for respondents No. 3 to 5.

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**JASPAL SINGH, J.**

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of certiorari for quashing the speaking order dated 02.09.2014 (Annexure P-17) whereby respondents No. 3 to 5 have withheld the enhanced gratuity till they receive the grant-in-aid from the government. And further directing the respondents to release the enhanced gratuity with interest @ 18% p.a. from the date the amount became due till payment.

2. Additional affidavit of Mr. Jagroop Singh, Principal, Mehar Chand Polytechnic College, Jalandhar on behalf of respondents No. 3 to 5 has been filed in Court today and same is taken on record. Para 5 is relevant for the disposal of the instant petition, which reads as under:-

*“that the deponent's college has paid a sum of ₹3,97,351/- vide cheque No.828958, dated 29.12.2015 to petitioner No.1, a sum of ₹1,54,426/- vide cheque No.828959, dated 29.12.2015 to petitioner No2, a sum of ₹99,316 vide cheque No.828961 dated 29.12.2015 to petitioner No.3, a sum of ₹6,50,000/- vide cheque No.828957, dated 29.12.2015 to petitioner No.4, a sum of ₹77,055/- vide cheque No.828962 dated 29.12.2015 to petitioner No.5, a sum of ₹6,08,500/- vide cheque No.828960, dated 29.12.2015 to petitioner No.6, a sum of ₹40,044/- vide cheque No.828964, dated 29.12.2015 to petitioner No.7, a sum of ₹27,657 vide cheque No.828963, dated 29.12.2015 to petitioner No.8, a sum of ₹17,620/- vide cheque No.828965, dated 29.12.2015 to petitioner No.9, a sum of ₹21,830/- vide cheque No.828966, dated 29.12.2015 to petitioner No.10, a sum of ₹11578/- vide cheque No.828967 dated 29.12.2015 to petitioner No.11, a sum of ₹11,786/- vide cheque No.828969 dated 29.12.2015 to petitioner No.12. It is pertinent to mention here that the petitioners have been paid the enhanced gratuity as per their entitlement.”*

3. A glance at the aforesaid paragraph transpires that enhanced amount of gratuity as per the entitlement of petitioners has been granted to them. As such, petition qua release of enhanced gratuity is dismissed as satisfied. Now, the question which survives for consideration is only with regard to interest on delayed payment of enhanced gratuity.

4. Concededly, petitioners stood retired on different dates on attaining the age of their superannuation. However, payment on account of enhanced gratuity was disbursed to the petitioners after a considerable delay. There is nothing on the record to show that the delay in disbursement of enhanced gratuity is in any way attributable to the petitioners. Rather, the delay is prima

facie proved to have occurred on the part of the respondents.

5. By now, it is pretty settled that employers are obliged to make the payment of benefits including gratuity on the date of retirement of the employee, which is his/her hard earned money or at the most, within a period of three months from the date of his/her retirement. Even in the case in hand, benefit of enhanced gratuity has been disbursed to the petitioners beyond a period of three months from the date of their retirement. The petitioners stood deprived of the use of the an amount, to which, they were legally entitled to receive at the time of their retirement and can be said to be illegally and unlawfully withheld by the respondents, for which, they deserve to be compensated.

6. Accordingly, petition qua release of enhanced gratuity stands satisfied whereas the petition qua granting of interest is allowed and petitioners are held entitled to interest @ 9% per annum on delayed payment, after the expiry of three months from the date of retirement of the petitioners till the actual payment. The respondents are directed to calculate the same and disburse to the petitioners within a period of three months from the date of receipt of certified copy of this order. In case of non-compliance of this order, petitioners shall be at liberty to approach this Court.

**JANUARY 23, 2018**  
**sonika**

**(JASPAL SINGH)**  
**JUDGE**

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