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

**CWP No. 22307 of 2016 (O&M)
DECIDED ON: APRIL 25, 2018**

SURINDER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vivek Aggarwal, Advocate
for the petitioner.

Ms. Sunnit Kaur, AAG, Punjab.

JASPAL SINGH, J (ORAL)

CM No. 419 of 2017

This is an application for confining the prayer of the applicant/petitioner with regard to interest part only as the GPF has already been released to her on 02.09.2016.

In view of averments made in the application the same is allowed.

CWP No. 419 of 2017

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release the amount accrued to her on account of GPF along-with interest @ 12 % per annum.

2. The relief claimed by the petitioner with regard to release of her GPF amount is concerned, the instant petition has rendered infructuous qua the release of GPF amount, in view of order passed in CM No. 419 of 2017. Now the question remains with regard to interest part only. Petitioner stood retired on attaining the age of superannuation on 31.03.2016 but the amount accrued to her on account of GPF was released to her on 02.09.2016. As such, there is a considerable delay in making the payment of the aforesaid GPF amount, which cannot be attributed to the petitioner in any case. Rather, delay appears to have occurred on account of omission or lapse on the part of the respondents.

3. In an identical matter i.e. *Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267*, the Hon'ble Apex Court, has observed that in case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter, if for some unforeseen reasons or 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 GPF amount has not been released to the petitioner within the aforesaid reasonable period of three months rather, after a considerable delay and on that account she could not enjoy the fruits of the retiral benefits immediately on her retirement and was deprived of the said enjoyment that too, for no fault on her part. Thus, she deserves to be compensated by way of grant of interest on delayed payment.

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 of GPF, after expiry of three months from the date of retirement till the actual payment thereof, within a period of two 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.

APRIL 25, 2018
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(JASPAL SINGH)
JUDGE

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