

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23185 OF 2016
DECIDED ON: MARCH 09, 2018

DALJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. C.M. Chopra, Advocate,
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the retirement gratuity of Rs.4,07,746/- as sanctioned by the Accountant General (A&E) Punjab vide order dated 12.10.2015 (Annexure P-14) and for release of correct leave encashment as well as arrears of DA amounting to Rs.26,000/- and difference of salary for the period 01.08.2014 to 28.02.2015 along with 15% interest.

2. Short reply by way of affidavit of Mr. Surinder Kumar Gurnal, Superintending Engineer, Civil Circle Ranjit Sagar Dam Shahpurkandi Township, Tehsil & District Pathankot on behalf of respondents No. 4 and 5 has been filed in Court today and same is taken on record.

3. Learned counsel for the petitioner submits that the benefits have been released to the petitioner but there is an inordinate delay, for which, no interest has been paid by the respondents.

4. The contention of learned State counsel is that there is no delay on the part of the respondents rather, it was on account of completion of certain formalities and adoption of lengthy procedure but this Court is of the considered view that contention put forth by learned State counsel does not carry any legal weight. For the lapse or omission, the petitioner cannot be held liable. Rather, the liability was on the respondents concerned to make the payment of the retiral benefits either on the date of retirement of the petitioner or subsequent thereto within a period of three months. Since, the petitioner has been deprived of the use of the retiral benefits at the proper time, he deserves to be compensated.

5. Accordingly, instant petition is disposed of with the direction to the respondents to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till actual payment, within a period of two months from the date of receipt of certified copy of this order.

6. However, if the petitioner still feels aggrieved in respect of the payment of arrears etc., he shall be at liberty to approach the concerned authority.

MARCH 09, 2018
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(JASPAL SINGH)
JUDGE

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