

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23197 of 2016(O&M)

Date of Decision: July 13, 2018

Balwan Singh

.....PETITIONER

Vs.

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.J.S.Saneta, Advocate for the petitioner.

Mr.Harish Nain, AAG, Haryana.

JASPAL SINGH J. (ORAL)

By virtue of the instant writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to grant the arrears of pension from March 1984 to November 2014 by re-fixing the pay of the petitioner as Rs.1480/- on 01.01.1987 by giving the benefit of one increment instead of Rs.1440/- and also grant difference of leave encashment and to pay the interest @ 18% per annum on the arrears pending and released by the respondent/department.

In response to the notice of motion issued by this Court, respondents No. 1 to 5 have preferred written statement. Para No.3 of the written statement is relevant for disposal of the instant petition and it would be appropriate to reproduce it. The same reads as under:-

That as the retirement age was again reduced by two years by the govt. by 2 years vide notification Worthy Chief Secretary to Govt. Haryana No.34/A/2014-4GSI dated 26.11.2014 and the case of petitioner was pending at Head Office in the matter for grant of 2nd and 3rd ACP, the pension papers were not submitted by the petitioner in time to the office. However, after submission of the desired documents/papers, the retiral benefits, as detailed

below in the table, of the petitioner were released in due course:-

SR. No.	Particulars	Date of Payment	Amount Paid
1.	Gratuity	17.02.2016	Rs.9,36,130/-
2.	Arrears of pay	17.02.2016	Rs.1,16,098/-
3.	Arrear of pension from month 12/2014 to 01/2016	17.02.2016	Rs.3,95,982/-
4.	Difference of leave encashment	19.05.2016	Rs.50,920/-

A glance at the aforesaid paragraph transpires that though the petitioner retired on 30.11.2014, but the pensionary benefits i.e. gratuity, leave encashment, arrears of pay as well as pension were paid after about more than one year of his retirement.

The reason for non-disbursal of the aforesaid retiral benefits immediately on the date of retirement or within a reasonable period of three months as unfolded by the respondents is that the pension papers were not submitted by the petitioner in time to their office, but his explanation is not supported with any documentary evidence. Otherwise also, no importance can be annexed to such an explanation. Particularly when it is the duty of the employer to pay the retiral benefits within a reasonable period from the date of retirement. In the instant case, the petitioner retired on 30.11.2014, but the retiral benefits were released after expiry of more than one year. There is no plausible explanation for the delay in disbursal of retiral benefits. In such a situation, the petitioner deserves to be compensated by way of grant of interest.

It is also pertinent to mention here that the petitioner had knocked the door of this Court when the retiral benefits were not released to him and the same were only released when a direction was issued by this Court. No lapse or omission can be attributed on the part of the petitioner for causing delay in the disbursal of the retiral benefits.

Accordingly, petitioner is held entitled to the interest @ 9% per annum after expiry of three months from the date of his retirement till the actual

payment(s) of the various retiral benefits was made.

Respondents are directed to calculate and make the payment of the interest within a period of two months from the date of receipt of certified copy of this order.

In case non-compliance of the order, petitioner shall be at liberty to approach this Court.

(JASPAL SINGH)
JUDGE

July 13, 2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No