

CWP No. 26484 of 2014

DECIDED ON: FEBRUARY 22, 2018

SUKHWINDER SINGH

.....PETITIONER

VERSUS

THE PEPSU ROAD TRANSPORT CORPN. AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Malkeet Singh Balianwali, Advocate
for the petitioner.

Mr. Karan Singla, Advocate
for the respondents.

JASPAL SINGH, J (ORAL)

Though, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to release his retiral benefits i.e. gratuity, leave encashment, provident and other funds, arrears of dearness allowance and commutation of pension @ 30% amounting to ₹19,26,157/- along-with interest @18% per annum and also direct the respondents to release monthly pension along-with arrears of pension since his retirement.

2. On the opening of arguments, it has been categorically submitted by learned counsel for the petitioner that most of the retiral benefits including gratuity, leave encashment, provident and other funds etc. have been released by the respondents during the pendency of instant petition. However, no interest on the delayed payments has been granted to the petitioner, which is violative of

the instructions dated May 10, 1990 issued by the Department of Finance, Government of Punjab as well as settled proposition of law.

3. Concededly, petitioner stood retired as Senior Assistant from the Kapurthala Depot, PRTC on February 28, 2014 after rendering 33 years of service but he was not paid the retiral benefits either on the date of his retirement or subsequent within some reasonable period of three months, as determined by this Court as well as by some other courts. Thus, it can be termed that petitioner stood deprived of the amount which he was supposed to get on the date of his retirement in a appropriate and facile manner that too, to his convenient. There is no lapse or omission on the part of the petitioner. Rather, it lies upon the respondent-Corporation, as it did not disbursed the retiral benefits within afore-said period of three months. Though there was some financial crunch in the Corporation earlier but by now it must have been overed.

4. Earlier also such controversy came before this Court in CWP No. 26518 of 2014, titled as *Nirvail Singh vs. Pepsu Road Transport Corp. and another;* , which was disposed of by this Court vide order dated September 18, 2017 whereby, after having discussed the various judgments and instructions, this Court came to the conclusion that retiree is entitled to interest @9% per annum on the delay payment after the expiry of three months period from the date of his/her retirement till its actual payment, which was ordered to be paid by the respondent-Corporation within six months.

5. So, while relying upon the afore-said judgment, this Court is of the considered view that petitioner is entitled to interest @9% per annum on the delayed payment after the expiry of three months period from the date of his

retirement till its actual payment, which shall be paid by the respondent-Corporation within a period of four months from the date of receipt of certified copy of this order.

6. Disposed of, accordingly.

7. In case of non-compliance of afore-said direction, petitioner shall be at liberty to have recourse to the other remedies available to him under law, including to approach this Court.

February 22, 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>