IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27138 of 2015
DECIDED ON: SEPTEMBER 19, 2018

ANIL KUMAR AND ANR. ..PETITIONERS

VERSUS

PUNJAB WATER RESOURCES MANAGEMENT AND DEVELOPMENT CORP. LTD. ..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Walia, Advocate,
for the petitioners.

Mr. Aman Sharma, Advocate,
for the respondent.

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JASPAL SINGH, J.

By virtue of instant writ petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus, directing respondents to release the retiral benefits due to the petitioners on their attaining the age of superannuation with interest.

2. During the course of arguments, it has emerged that all the retiral benefits have been released to the petitioner during the pendency of instant petition. However, interest on the delayed payment has not been paid. In fact, no departmental inquiry or judicial proceeding was pending either at the time of retirement of the petitioner or subsequent thereto.

3. The only contention of learned counsel for the respondent is that due to financial crunch being faced by the department, the entire retiral

benefits to the petitioner could not be paid in time. The delay in releasing the aforesaid amount is neither intentional nor deliberate, however, the same has occurred due to circumstances beyond the control of the respondent-department.

4. This contention of learned counsel for the respondent is itself no ground as the respondent was bound to make the payment of retiral benefits accrued to the petitioner from the date of retirement or subsequent thereto, after the expiry of three months from the date of retirement, which has not been done by the respondents. The retiral benefits were released to the petitioner after an inordinate delay, regarding which, there is no substantive reason or plausible explanation furnished. Thus, the petitioner is entitled to interest on delayed payment.

5. Accordingly, instant petition is disposed of with the direction to respondent to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till the actual payments, within a period of two months from the date of receipt of a certified copy of this order. In case of non-compliance of aforesaid direction, the petitioner shall be at liberty to have recourse to the other remedies available to him as well as to approach this Court.

SEPTEMBER 19, 2018 **(JASPAL SINGH)**
sonika **JUDGE**

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