

CWP No.2726 of 2016

DECIDED ON: MARCH 07, 2018

PREM SINGH AND ORS

.....PETITIONERS

VESUS

PUNJABI UNIVERSITY AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Mann, Advocate
for the petitioners.Mr. Ajaivir Singh, Advocate
for the respondents.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus, directing the respondents to release and pay the amount of Gratuity, G.P.F., Leave Encashment and other pensionary benefits along with interest @ 18% per annum.

2. Concededly, neither any departmental nor any judicial proceedings was pending against the petitioners at the time of their retirement(s). At the very outset of arguments, it has come to light that all the retiral benefits have already been disbursed to the petitioners during the pendency of the instant petition. However, there is a considerable delay in making the payment of the aforesaid retiral benefits which cannot be attributed to the petitioner. Rather, delay appears to have occurred on account of omission or lapse on the part of

the respondents. In *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 payments 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 benefits accrued on account of retirement have not been released to the petitioners within the aforesaid reasonable period of three months rather, after a considerable delay and on that account they could not enjoy the fruits of the retiral benefits immediately on their retirement and were deprived the said enjoyment that too, for no fault on their part. Thus, they deserve to be compensated by way of grant of interest on delayed payment(s).

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(s), after expiry of three months from the date of retirement till the actual payment(s) of the various dues, 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, petitioners shall be at liberty to have recourse to the remedies available to them under law including to approach this Court.

MARCH 07, 2018
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(JASPAL SINGH)
JUDGE

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