

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.426 OF 2015
DECIDED ON: JULY 30, 2018

LUBHAYA RAM

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORP. LTD.
AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Lalit Kumar Sharma, Advocate for
Mr. Sunil Kumar Sharma, Advocate,
for the petitioner.

Mr. R. L. Sharma, Advocate,
for the respondents.

JASPAL SINGH, J.

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 interest @ 18% per annum on delayed payments made on account of retiral dues including gratuity, leave encashment, group insurance scheme funds, commutation of pension benefits from the date of accrual till the date of actual payment.

2. Undisputably, petitioner stood retired on 31.03.2013 but it appears that since CWP No.21068 of 2012 was pending prior to the retirement of the petitioner claiming the age of retirement of petitioner being handicapped and

covered under Section 47(2) of Persons with Disabilities (Equal Opportunities, Protection Rights and full Participation) Act, 1995, the pension papers were not submitted by the petitioner immediately or prior to the retirement i.e. 31.03.2013. Though, he alleged that after his retirement, he approached the respondents by way of representation dated 26.04.2013 (P-1) to Additional Superintending Engineer, PSPCL, Sub Urban Division, Pathankot for releasing his retiral benefits and other dues but they did not pay any attention. Even thereafter, on 24.06.2013, petitioner submitted reminder to respondent No.2 but in vain. But one thing become clear from the written statement preferred by the respondents that papers were submitted on 11.06.2014 and it was only, thereafter, the case of the petitioner for fixation of pension as well as disbursal of other retiral benefits was initiated. As is evident from the evidence available on file, the pension payment order was issued on 08.08.2014 whereas the other retiral benefits stood disbursed to the petitioner on 01.12.2014. As it has already been observed by this Court that at the most the employer is to grant the retiral benefits within a period of three months from the date of retirement or submission of papers. In the instant case, papers were submitted on 11.06.2014 but even then, except the issuance of pension payment order on 08.08.2014, the other benefits were released/dispursed to the petitioner only on 01.12.2014 i.e. after the expiry of three months from the date of retirement and submission of papers, for which, petitioner deserves to be compensated on the delayed payment and is entitled to interest @ 9% per annum after the expiry of three months from the date of submission of papers i.e. 11.09.2014 till the actual payments of the retiral benefits.

3. Accordingly, respondents are directed to make the payment of interest @ 9% per annum on the delayed payment from the date i.e. 11.09.2014 to 01.12.2014, within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of aforesaid direction, the petitioner shall be at liberty to approach this Court as well as to have recourse to the remedies available under law.

JULY 30, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>