

CWP No.4827 of 2015

Ankur Goyal
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.209

**Civil Writ Petition No.4827 of 2015
DECIDED ON: February 16, 2018**

HUKAM SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Rattan, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction particularly in the nature of mandamus directing the respondents to release and pay the amount of gratuity, pension and other pensionary benefits that too, along with interest @ 12% per annum on the delayed payment(s) thereof.

2. At the very outset of the arguments, it has emerged that amount on account of gratuity, GIS, GPF, pension and other pensionary benefits has already been released to the petitioner, who stood retired on December 31, 2014 but after some delay. At the most, respondents may take a period of three months from the date of retirement of the petitioner that too, for the completion of the any formalities, but they are obliged to make the payment of the entire pensionary benefits maximum within a period of three months from the date of retirement of the petitioner. In the case in hand, though GPF and GIS have been paid within a period of three months from the date of retirement of the petitioner yet the other pensionary benefits like leave encashment, gratuity and arrears of pension etc. have been paid subsequent thereto in the month of September, 2015, July 2016 and December, 2016. Similarly, a sum of Rs.56,347/- on arrears of pension was disbursed to the petitioner through the State Bank of India in the month of April, 2017. Thus, in view of the settled proposition of law, since the petitioner could not avail the proper utilization of the amount(s) to which he was legally entitled as referred to above and is deprived of its proper use, he deserves to be compensated that too, by way of grant of interest.

3. This Court is of the considered view that the grant of interest @ 9% per annum on the delayed payment(s) after a period of three months from the date of retirement of the petitioner is legally and factually justifiable and order is made accordingly. As such, respondents are directed to calculate and make the payment(s) of interest after expiry of three months from the date of retirement of the petitioner i.e. April 01, 2015 on the delayed payment(s) till the actual payment(s) thereof @ 9% per annum as observed above. The needful shall be done by the respondents within a

period of three months from the date of receipt of a certified copy of this order. In case, non compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under the law as well as to approach this Court.

February 16, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No