

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(207)

CWP-6768-2015

Date of Decision: November 28, 2018

Harmail Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Onkar Rai, Advocate, for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the petitioner is seeking the interest on the delayed payments. While working as Sub Inspector in Punjab Roadways, the petitioner on attaining the age of 58 years, superannuated on 31.03.2012.

The contention of the petitioner is that the payments were made to him after inordinate delay and that too without any justification. It is submitted by the counsel for the petitioner that respondents themselves admitted in Annexure P-5 that the pension was paid to the petitioner on 08.01.2013. The arrears of pension from April to December, 2012 was paid on 02.08.2013. Leave encashment was paid on 31.01.2013 and the gratuity was paid to the petitioner on 10.06.2013. The insurance amount was paid to the petitioner in April, 2013.

In reply, the respondents have mentioned that the delay in releasing the amount was attributable to the petitioner as the petitioner failed to submit the required documents within time. The said averment has been controverted by the petitioner in view of Annexure P-1, which is a

clearance certificate which was submitted by the petitioner to the respondents on 19.04.2012. Hence, the assertion that the delay in releasing the retiral benefits was attributable to the petitioner is incorrect.

I have heard learned counsel for the parties.

Once the petitioner retired on attaining the age of superannuation, it was the duty of the respondents to pay the retiral benefits to the petitioner immediately. It is not disputed that the respondents had received the clearance from all the required authorities in April, 2012 itself i.e. within a period of one month. The payments were made starting from January, 2013 onwards till August, 2013. There is an inordinate delay ranging from 7 months to 1 year. This Court in **J.S. Cheema Vs. State of Haryana and others, 2014 (13) R.C.R. (Civil) 355**, has held that the employee is entitled for the grant of interest on the delayed payments and case of the petitioner is squarely covered as no justifiable/valid reason has been given by the respondents to withheld the payments due to the petitioner.

In view of the above, the present writ petition is allowed. The respondents are directed to pay the interest @ 9% per annum from the date the payment became due till the same was released. Let the calculations be done within a period of two months from the date of receipt of copy of this order and the amount so calculated shall be released to the petitioner within next fifteen days.

(HARSIMRAN SINGH SETHI)
JUDGE

November 28, 2018
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No