

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

Sr. No.280

Civil Writ Petition No.27427 of 2017
DECIDED ON: January 19, 2018

SANTOKH SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sameer Sachdeva, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction in the nature of mandamus directing the respondents to release the sanctioned payment of Rs.7,85,162/- as Retirement Gratuity and Rs.3,94,450/- as Leave Encashment along with interest @ 18% per annum.

2. Concededly, the amount referred to above in paragraph no.1 of this judgment, on account of Death-cum-Retirement Gratuity as well as Leave Encashment has been paid in compliance of order dated December 02, 2017 passed by this Court but without interest. Respondents were bound to consider the grant of interest on the delayed payments in view of various judgments passed by the Hon'ble Apex Court as well as this Court

Civil Writ Petition No.27427 of 2017

and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab. For the best reasons close to chest, the authority did not take any pain to go through the legal proposition as well as instructions. There is no explanation what to talk of any plausible action for delay in making the retiral benefits to the petitioner in the case in hand. Even, the amount of DCRG and Leave Encashment was already sanctioned an year prior vide letter dated December 22, 2016 yet the same were not disbursed to the petitioner by the office of District Treasury concerned. For the reasons which is solely in his knowledge, who is otherwise unable to disclose this Court to save his own service without saying much.

3. The instant petition is disposed of with the direction to the respondents to calculate and make the interest @ 9% per annum on the delayed payments of DCRG and Leave Encashment after expiry of three months from the date of the retirement of the petitioner till actual payment(s) thereof, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to approach this Court.

January 19, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**