

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

**CWP No.6397 of 2016  
DECIDED ON: APRIL 18, 2018**

**ANITA SHARMA**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB & ORS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Narinder Sharma, Advocate, for the petitioner.

Mr. TPS Chawla, DAG, Punjab

None for respondent No. 4.

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**JASPAL SINGH, J (ORAL)**

By virtue of instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits, wrongly withheld by the respondents along-with the interest @18% from the date of her retirement i.e. 30.04.2015 till actual date of payment or any other retiral benefits.

2. Concededly, petitioner stood retired as Silai Teacher on attaining the age of superannuation on 30.04.2015. Neither any departmental nor any judicial proceeding is/was pending at the time of her retirement. Even despite that fact, the retiral benefits were not released/disbursed to her. She was constrained to knock the doors of this Court by way of instant petition.

3. In response to the notice of motion, respondents No. 1 to 3 appeared through learned State counsel and filed reply by way of a short affidavit of

Mr. Pawan Kumar, Assistant Director ( Private Aided Schools O/o Director Public Instructions (SE), Punjab.

4. A glance at the afore-said short reply transpires that the pension as well as gratuity have been released but after an inordinate delay, for which no interest has been awarded. There is no fault attributable to the petitioner rather it lies with the respondents particularly respondent No. 4, as the pension papers were not submitted well in time. By now, it is well settled that the employer is obliged to release the retiral benefits to the retiree on the date of his/her retirement or within a period of three months, which can be termed to be reasonable in view of the procedure to be adopted for the disbursement of the retiral benefits.

4. Accordingly, the instant petition is partly allowed and the respondent No. 4 is directed to calculate and make the payment of interest @9% per annum after the expiry of three months period from the date of retirement of the petitioner till the realization of the actual payment of the retiral benefits. Needful shall be done by respondent No. 4 within 02 months from the date of receipt of certified copy of this order.

5. No order as to costs. However, in case of non-compliance of the aforesaid order within a stipulated period, the petitioner shall be at liberty to approach this Court or to have recourse to the other remedies available to her under law.

**APRIL 18, 2018**  
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**(JASPAL SINGH)**  
**JUDGE**

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