

CWP No. 2824 of 2017

DECIDED ON: MARCH 19, 2018

DHARAM PAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. Sunnit Kaur, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release all the arrears of pensionary benefits such as pension, gratuity, leave encashment, GPF, GIS, DA, revision of pay scale from time to time etc and also to grant him medical allowance along-with his pension as per the Government policy with further direction to grant him interest on the arrears of afore-said benefit as well as on the delayed payments thereof, @18% per annum.

2. At the very outset, it has been submitted by learned counsel for the petitioner that though all the retiral benefits such as pension, gratuity, leave encashment, GPF, GIS etc have been disbursed/released to the petitioner but

after an inordinate delay. Petitioner stood retired on attaining the age of superannuation on June 30, 2016 as Laboratory Attendant. Yet pension was disbursed to the petitioner in the month of December 2016 whereas, the other benefits i.e. leave encashment, GPF and gratuity were released to him in the months of February and March 2018. The amount was withheld by the respondents for no fault on the part of the petitioner. Rather the entire fault lies with the respondents in not disbursing the retiral benefits to the petitioner either on the day of retirement or subsequent thereto, within a specified period of three months. Undoubtedly, neither any departmental nor any judicial proceeding is/was pending against the petitioner on the date of his retirement or subsequent thereto. The petitioner was deprived of the use of the amount to which he was entitled on account of his retirement, for which he deserves to be compensated.

3. In view of the facts and circumstances narrated above, instant petition is disposed of with a direction to respondents to calculate and grant the interest @ 9% per annum on the delayed payment(s), after expiry of three months from the date of retirement till the actual payment(s) of the various dues, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of order, petitioner shall be at liberty to have recourse to the other remedies available under law, including to approach this Court.

MARCH 19, 2018
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(JASPAL SINGH)
JUDGE

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