

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

Sr. No.267

**Civil Writ Petition No.7098 of 2017
DECIDED ON: January 24, 2018**

BALWINDER SINGH

..PETITIONER

VERSUS

**REGISTRAR CO-OPERATIVE SOCIETIES, PUNJAB AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harbans Lal Sharma, Advocate for
Mr. Manoj Sharma, Advocate,
for the petitioner.

Mr. Harmit Singh, Advocate,
for the respondents.

JASPAL SINGH, J.

By virtue of the instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, direction or order especially in the nature of Mandamus, directing the respondents to grant the retiral benefits as per Pre-Audited Claim passed by the Auditor (P-4) along with interest @ 18% per annum.

2. During the course of arguments, it has come to light that respondents have already made the payment of the retiral benefits to the petitioner during the pendency of the instant petition. However, there is a great delay in making the payment of the aforesaid retiral benefits which cannot be attributed to the petitioner. Rather, delay appears to have occurred on account of omission or lapse on the part of the respondents. In

Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267, the Hon'ble Apex Court, has observed that in case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter, if for some unforeseen reasons or circumstances, payments could not be made on the date of retirement considering a number of such cases and procedure to be adopted, employer is obliged to release the pensionary benefits maximum within a period of three months from the date of retirement. In the case in hand, benefits accrued, on account of retirement have not been released to the petitioner within the aforesaid reasonable period of three months rather, after a great delay and on that account he could not enjoy the fruits of the retiral benefits immediately on his retirement and was deprived the said enjoyment that too, for no fault on his part. Thus, he deserves to be compensated by way of grant of interest on delayed payment(s).

3. As an upshot of the aforesaid facts, 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 approach this Court.

January 24, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**