

**CWP No. 8973 of 2017
DECIDED ON: JULY 02, 2018**

PARAMJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Khurana, Advocate, for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, 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 grant him dearness allowance of 113% as well as to pay interest @ 18% per annum on the delayed payments of retiral benefits including gratuity, GPF, leave encashment and GIS from the date of his retirement till actual payment.

2. At the very outset, learned counsel for the petitioner has fairly conceded that though the petitioner has already been disbursed the retiral benefits i.e. gratuity, GPF, leave encashment and GIS but after an inordinate delay for which no interest has been paid. Petitioner stood retired on

31.03.2016 after having availed the extended period of his service for two years.

As per the instructions issued by the State of Punjab, retiree is entitled to the interest, if the retiral benefits have not been disbursed to him/her within a period of three months from the date of his/her retirement and in the case in hand, retiral benefits are stated to have been paid in the month of December 2016 and that of, arrears of DA in the Month of May 2017, whereas, the petitioner retired on 31.03.2016.

3. As far as the main relief with regard to the grant of retiral benefits is concerned, it has rendered infructuous.

4. However, petitioner is still entitled to be compensated by way of grant of interest on account of delayed payments of the retiral benefits. There is no plausible reason or explanation what to talk of any cogent or convincing one except that the delay occurred is procedural one, nothing has come on record. A retiree has right to get the retiral benefits on the date of his/her retirement or within reasonable period of three months and the procedure for the disbursement of benefits is required to be initiated by the employer six months prior to his/her retirement but in this case, there is much more delay, for which, there is no plausible explanation. Thus, respondent-State is obliged to compensate the petitioner by way of interest, as has already been settled by Courts by way of catena of cases, @ 9% per annum.

5. Accordingly, instant petition is disposed of with a direction to respondents to pay interest @ 9% per annum on the delayed payments of retiral benefits, which shall be calculated after the expiry of three months period from the date of retirement of petitioner till actual payment, within a period of two months from the date of receipt of certified copy of this order. In case of non-

compliance of afore-said direction, petitioner shall be at liberty to have recourse of other remedies available to him under law including to approach this Court.

JULY 02, 2018
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(JASPAL SINGH)
JUDGE

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