

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

218

CWP-6869-2019

Date of decision: 03.10.2019

P.K.Saini

....Petitioner

Versus

Indian Council of Social Science Research & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

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

Mr.S.K.Sharma, Advocate, for respondent No.1.

None for respondents No.2 & 3.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for release of the retiral benefits amounting to Rs.18,38,110/- along with 18% interest.

As per the reply filed by respondent No.1, it has been averred that it has no objection to the release of retiral dues of the petitioner for the above-said amount, by respondent No.2, which is the North Western Regional Centre (NWRC).

Petitioner, having retired on 31.03.2018 as Deputy Director, is stated to have received the amount only in July, 2019, as per the statement given on 05.09.2019. The defence of respondent No.1 is only that NWRC has not released the said amount and the responsibility, as such, lies with the NWRC.

It is settled principle that the retiral dues are not a bounty which can be retained at the choice of the employer and the reasonable period of 2 months is sufficient, as such, to process the payment of retiral dues.

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Reliance can be placed upon **Deokinandan Prasad Vs. State of Bihar AIR 1971 SC 1409, State of Punjab Vs. Iqbal Singh AIR 1976 SC 667, A.S.Randhawa, Supdt. Engineer (Retd.) Vs. State of Punjab 1998 (1) SCT 343, State of Kerala Vs. M.Padmanabhan AIR 1985 SC 356, Punjab State Civil Supplies Corporation Limited Vs. Sikander Singh AIR 2006 SC 1438 & S.K.Dua Vs. State of Haryana 2008 (3) SCC 44.**

Resultantly, this Court is of the opinion that the petitioner has become entitled for the interest element on account of the delayed payment which is almost 1 year. Accordingly, the interest @ 8% per annum be paid to the petitioner, from 01.06.2018 till the date of payment. It shall be open to respondent No.1 to fix the responsibility upon respondent No.2, for the interest element. In case the interest amount is not paid within a period of 2 months from today, the rate of interest can go upto 10% per annum.

With the above-said directions, the present writ petition stands disposed of.

03.10.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*