

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

(213)

CWP-11283-2016

Date of Decision: January 08, 2019

Surinder Din

..Petitioner

Versus

Pepsu Road Transport Corporation

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Harsh Chopra, Advocate, for the respondent.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is praying for the release of the amount for which the petitioner is entitled for i.e. Grade Pay Arrears and ACP on completion of 14 and 16 years of service alongwith interest @ 18% per annum.

As per the averments made in the present writ petition, the petitioner joined as Assistant Store Keeper on 11.10.1976 with the respondent-Corporation and thereafter in the year 1988, he was promoted as Junior Assistant and then on 01.01.2010, he was promoted as Senior Assistant. The petitioner retired from the said post on 30.04.2012.

As the retiral benefits of the petitioner were not being released, the petitioner filed CWP No.9122 of 2013, which was decided on 31.05.2013. The order passed by this Court on 31.05.2013 is as under:-

“The petitioner retired from his service on 30.04.2012 as Senior Assistant, after attaining the age of superannuation. His retiral benefits were not paid despite representations and thus, he was forced

to file the instant writ petition.

Notice of motion was issued on 30.04.2013 and thereafter, this Court passed following order on 28.05.2013:-

“Despite the fact that respondent-Corporation has been served by way of dasti process, no body has chosen to put in appearance on its behalf.

Let a notice be issued to the Managing Director of the respondent-Corporation to show cause as to why exemplary costs be not imposed upon them for delaying disposal of the instant writ petition, which pertains to release of retiral benefits of the petitioner.

List on 31st May, 2013.

It shall be the duty of Mr. M.C. Berry, Addl. Advocate General, Punjab, who is present in Court, to communicate this order to the respondent through the office of Advocate General, Punjab.

A copy of this order, duly attested by the Bench Secretary of this Court, be handed over to learned State counsel for onward transmission and compliance.”

Shri DPS Kharbanda, Managing Director of the respondent-Corporation is present in Court today and an affidavit has also been filed on his behalf, wherein it has been stated that due to some negligence on the part of their legal advisors, the necessary instructions could not be given to the counsel in the High Court. In para 6 of the affidavit, the details of the amount released towards retiral benefits of the petitioner has been given.

Counsel for the petitioner does not dispute the fact that all his retiral benefits have been paid. However, counsel for the petitioner submitted that

there is a considerable delay in making the payment of retiral benefits and therefore, the petitioner is entitled to interest also.

Be that as it may.

Since all the retiral benefits of the petitioner have been released, this Court is not inclined to proceed further with this petition and the same is disposed of, with liberty to the petitioner to make a representation to the respondents for interest, as claimed by him.

In case any such representation is made within one month from today, the same shall be decided by the respondent-Corporation within three months thereafter, in accordance with law.”

Learned counsel for the petitioner contends that as the liberty was given to the petitioner to make representation for claiming interest, the petitioner served the respondent with a legal notice on 24.06.2013. The said legal notice was not decided by the respondent hence the petitioner filed the present writ petition.

Learned counsel for the respondent states that in the legal notice, apart from interest, the petitioner is claiming the other benefits also and the same could not be granted in view of the order passed by this Court on 31.05.2013, where the petitioner already undertaken that all the dues of the petitioner have already been released and it is only the interest which is to be paid.

Be that as it may, once a direction was given by this Court to decide the representation, it was the duty of the respondent to pass a speaking order on the said representation according to law.

Learned counsel for the petitioner states that according to the law settled by this Court in **A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468,** an employee is entitled for the interest on the delayed payments. Once it is a settled proposition of law, it is expected that the respondent, while deciding the said legal notice, will take into account the said settled principle of law.

The present writ petition is disposed of with a direction to the respondent to pass appropriate orders on the legal notice Annexure P-4 filed by the petitioner within a period of three months from the date of receipt of copy of this order.

In case after the decision, it is found that the petitioner is entitled for any monetary benefits, the same should also be released to the petitioner within a period of next one month.

(HARSIMRAN SINGH SETHI)
JUDGE

January 08, 2019
harsha

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