

CWP-2399-2014

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2399-2014

Date of Decision: March 01, 2019

Dayanand Garg

... Petitioner

vs.

Punjab University & Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.S.Patwalia, Advocate
for the petitioner.

Mr. Karan Singh Sandhu, Advocate
for the respondent(s).

ARUN MONGA, J

Learned counsel for the respondent-Punjab University has tendered an additional affidavit dated 01.12.2018 in course of the hearing which is taken on record. A copy thereof has been already supplied to the learned counsel for the petitioner.

2. Learned counsel for the petitioner, at the very outset, states that the case of the petitioner is squarely covered by the judgment rendered by this Court in CWP-2864-1983, titled as **Kesar Chand vs. State of Punjab and others**, reported as 1988 AIR (Punjab) 265. He further relies upon Full Bench judgment of this Court, rendered in CWP-2883 of 1997, titled as **A.S.Randhawa vs. State of Punjab**, reported as **1997 (3) S.C.T. 468** to submit that the petitioner is entitled to his retiral benefits alongwith interest.

3. Succinctly, the factual backdrop of the case, which is not disputed, is that the petitioner was appointed as a Lecturer on 16.08.1986 and, thereafter, regularized on 20.12.1999. The said period of service was rendered by the petitioner as an *ad hoc* Lecturer and the benefit thereof was,

unjustifiably, not given to him qua his pensionary benefits.

4. It is no more *res-integra* that the *ad hoc* service period is not to be counted for the pensionary benefits and, therefore, it is a clear case where the delay in payment of retiral benefits has been caused due to inefficiency of the officials of the respondent(s) concerned. The petitioner is, therefore, entitled to interest for the period of delay in the disbursement of the same after making the appropriate calculations.

5. Learned counsel for the petitioner also relied on a judgment rendered by this Court in CWP-8919 of 2016, titled as **Amar Chand vs. Pepsu Road Transport Corporation, Patiala and others**, reported as 2018 (3) S.C.T. 130, wherein it has been held that if the respondent is unable to explain as to why he did not discharge its obligation to pay retiral benefits within prescribed period, the employee, shall then be entitled to interest @ 9% per annum on the delayed payment after expiry of three months period from the date of his retirement till its actual payment.

6. Per contra, learned counsel for the respondent(s) states that this is not a case where there was a delay in disbursement of retiral benefits. He further states that it is only the retiral benefits, qua the *ad hoc* period of service, which were withheld owing to the understanding of the respondent-University that the *ad hoc* period is not to be counted. The said argument of learned counsel for the respondent(s) is devoid of any merits in view of the judgments, *ibid*, rendered by this Court.

7. In fact, in the additional affidavit dated 01.12.2018, the respondent-University has given the details of the payment made to the petitioner towards pensionary benefits.

CWP-2399-2014

-3-

8. Without going into the details thereof, I am in agreement with the submission of learned counsel for the petitioner that the petitioner is entitled to grant of interest @ 8% for the delayed period of payment of his retiral benefits already disbursed to him by counting his *ad hoc* period towards the pensionary benefits.

9. The respondent(s) is directed to carry out the necessary calculation and disburse the amount, due to the petitioner, within a period of 03 months from the date of receipt of certified copy of this order.

March 01, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No