

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

**CWP No.24208 of 2016 (O&M)
Decided on : 04.04.2019**

Chander Kali

... Petitioner

Versus

Municipal Corporation, Chandigarh and others

... Respondents

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

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

Ms. Harmeet Kaur, Advocate for

Ms. Deepali Puri, Advocate for respondents No.1 to 3.

G.S. Sandhawalia, J. (Oral)

The claim in the present writ petition filed under Article 226/227 of the Constitution of India is for release of pension and other retiral benefits alongwith interest @ 18% per annum. The petitioner had retired on 31.12.2015 from the post of Women Collie.

As per the written statement the GPF of ₹11,88,244/- has already been paid to her, which was sanctioned on 29.04.2016. The pension and DCRG was released for a sum of ₹8,69,974/- on 02.12.2016. The leave encashment of ₹41,363/- was paid on 02.06.2017. The stand of the respondents is that time was taken to complete the pension papers as the file remained pending with the Administration of the respondents, on account of the fact that the petitioner had been transferred to the Municipal Corporation and initially had been appointed by the Chandigarh Administration.

It is a settled principle that retiral benefits etc. are not a bounty and the petitioner is entitled for the interest on account of the delayed payment, keeping in view the judgment of the Full Bench in '**A.S. Randhawa Vs. State of Punjab, 1998 (1) SCT 343**'.

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Resultantly, the petitioner shall be entitled for interest @ 9% on ₹8,69,974/- from 01.03.2016 till 30.11.2016. Similarly, for the leave encashment of ₹41,363/- entitlement would be from 01.03.2016 till 31.05.2017. The payment be made within a period of 2 months from the receipt of the certified copy of this order.

With the abovesaid observations, the present writ petition stands disposed of.

APRIL 04, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No