

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24687 of 2016
Date of Decision : 08.01.2019

Main Pal

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. Arjun Kundra, Advocate for respondent No. 4.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner has approached this Court with a prayer that the respondents be directed to release his retiral benefits alongwith interest.

As per the averments made in the present writ petition, the petitioner retired as a Clerk from Municipal Council Abohar on 31.03.2016. After the retirement, the petitioner became entitled for benefit of the release of gratuity, leave encashment and provident fund. Only a sum of ₹1,25,186/- was paid to the petitioner on the date of his retirement, whereas the other benefits were withheld without any valid justification. The petitioner is claiming interest on the delayed payments as well.

Respondent No. 4, who is liable to pay/release the retiral benefits, has filed the reply and in the reply it has been mentioned that the

petitioner has been paid a sum of ₹8,65,727/- and all his benefits have already been cleared by the Municipal Council. Respondent No. 4 is fair enough to state the dates also on which the payments were made. As per the chart given in para 5 of the reply filed by respondent No. 4, it has been admitted that the payment of gratuity was made in January, 2017 and leave encashment and provident fund was paid to the petitioner in October, 2016 thereby causing a delay of more than 7 to 10 months in releasing the retiral benefits.

No justifiable reason has been given for the delay in making payments. As per the law laid down by Full Bench of this Court in the case of ***A.S. Randhawa Vs. State of Punjab***, 1997 (3) SCT 468, an employee becomes entitled for the grant of interest on the delayed payments. In the present case, the payments have been delayed though only for a period of seven to ten months, still an employee who is retired, has to face financial crunch in the absence of the funds, which he would have got at the time of his retirement.

In view of the above, the writ petition is allowed. Respondents are directed to calculate the amount of interest @ 6% per annum from the date it became due till the same was released to the petitioner. Let the calculation be done within a period of two months from the date of receipt of certified copy of this order and the amount so calculated shall be released to the petitioner within a period of one month thereafter.

January 08, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*