

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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212 - CWP No.10806 of 2020

Date of Decision: 24.09.2020

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Kiran Aggarwal

... Petitioner

VS.

UT of Chandigarh & Ors.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

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Present: Mr. Karan Nehra, Advocate for the petitioner

Mr. Rahul Gautam, Advocate for the respondents

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**GIRISH AGNIHOTRI, J. (Oral)**

(1) The petitioner Kiran Aggarwal has filed the present writ petition *inter alia* praying for issuance of a writ in the nature of *mandamus* directing the respondents to release the pension, gratuity and leave encashment and other benefits accrued at the time of her retirement along with interest @ 18% p.a. w.e.f. the date of retirement till the date of actual payment.

(2) Records shows that on 29.07.2020, while issuing notice of motion, this Court passed the following order:-

*“Notice of motion.*

*Mr. Rahul Gautam and Mr. Akshay Jain, Advocates, appears on behalf of respondents, respectively.*

*Adjourned to 24.09.2020.*

*Let reply be filed within a month from today with an advance copy to counsel for the petitioner.*

*Since the petitioner is praying for releasing of retiral benefits along with interest w.e.f. the date of his retirement i.e. 31.10.2019, it is made clear that in case, the reply is not filed within the time granted, the prayer of the petitioner shall be considered.”*

(3) Reply on behalf of respondents No.3&4 has been filed through

Ltd., UT Chandigarh. In para 16 of the reply, it has been *inter alia* pleaded that after the receipt of the legal notice, the matter remained pending with the Bank on account of examining the antecedents of the petitioner as well as seeking legal opinion from the Law and Prosecution Department, Chandigarh Administration.

(4) This Court finds the said reasoning to be devoid of merit as there is no justification for delaying the release of the pensionary benefits. The date of retirement of an employee is well known to the employer and it is expected that as per the Government guidelines, the process of preparing the papers for retirement and release of pensionary benefits should start in the last year prior to the date of retirement.

(5) Learned counsel for the petitioner relies upon the judgment dated 10.08.2016 in **CWP No.5049 of 2013 (Prem Devi vs. State of Haryana & Ors.)**. He submits that the Courts have considered granting of 12% (or in the present case 9%) interest on delayed payments of the retiral benefits. He further submits that after the last order dated 29.07.2020, the retiral benefits have been released on 27.08.2020. However, interest w.e.f. 31.10.2019 till date, has not been released.

(6) Learned counsel for the respondents No.3 & 4, however, submits that the delay is not intentional and has been on account of the reasons as mentioned in para 16 of the reply.

(7) This Court, as observed above, has already recorded that the reasons given in para 16 of the reply are not justified.

(8) Accordingly, the present writ petition is disposed of with a direction that on the retiral benefits so released, the petitioner shall also be

entitled to interest @ 9% p.a. The said amount so calculated be released within two months from the date of receipt of certified copy of this order.

(9) So ordered.

24.09.2020

Vvishal

**(Girish Agnihotri)**  
**Judge**

1. *Whether speaking/reasoned?*

**Yes/No**

2. *Whether reportable?*

**Yes/No**