

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

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CWP No.12994 of 2021

Date of decision: 30.11.2022

Karamjit Singh (deceased) through his LR and others

...Petitioners

V/s

The PEPSU Road Transport Corporation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Hardeep Singh, Advocate for the petitioner.

Mr. APS Sandhu, Advocate for the respondents.

VIKAS SURI, J. (Oral)

This petition has been preferred under Article 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to pay interest at the rate of 12 per cent per annum on account of delay in payment of GPF, Gratuity, Leave Encashment and pension.

Learned counsel for the petitioners submits that the pensionary benefits of the petitioners were not released to them soon on their retirement but after inordinate delay. Therefore, petitioners are entitled for grant of interest for the delay in making payments, keeping in view the principle of law settled by the Full Bench of this Court in *A.S. Randhawa vs. State of Punjab and others, 1997(3) SCT 468*. In the said dictum, it is specifically held that in case pensionary benefits have not been released within a period of two months from retirement without there being any impediment for release of the same, the retire is entitled for grant of interest.

Upon notice of motion, short reply by way of affidavit has been filed wherein the factual position noticed above, has not been denied.

Rather it has been explained that delay is neither intentional nor deliberate but due to paucity of funds on account of financial crunch being faced by Financial Corporation.

Learned counsel for the petitioners submits that similarly situated employees have already been granted interest on the delayed release of pensionary benefits and thus, the respondent-Corporation is under an obligation to grant the same benefit of interest in terms of the Full Bench judgment (*supra*).

It is also urged that non-payment of retiral dues on the ground of weak financial position is not tenable in law, as held by a Division Bench of this Court in ***Ram Karan vs. Managing Director, Pepsu Road Transport Corporation and another, 2005(3) PLR 580.***

Learned counsel for the petitioners further submits that the petitioners had earlier raised a justice demand notice dated 25.05.2021 (Annexure P-8), which is still pending consideration with the respondent-Corporation. In view of the above, it is stated that the petitioners will be satisfied, at this stage, in case a time bound direction is issued to take a decision on the aforesaid legal notice, in accordance with law.

Learned counsel for the respondents submits that keeping in view the above noticed submissions, respondent No.2 being the competent authority will decide the claim raised in the legal notice dated 25.05.2021 (Annexure P-8), in accordance with law, by passing a speaking order within the stipulated time. It has also been assured that there would be no discrimination between the petitioners and other employees insofar as their claim for payment of interest raised in the legal notice is concerned.

Heard learned counsel for the parties.

In view of the above submissions and the restricted prayer made, without expressing any opinion or going into the merits of the case or the claim being made by the petitioners in the present petition or in the legal notice, respondent No.2/Competent Authority is directed to consider and decide the claim made in the legal notice dated 25.05.2021 (Annexure P-8), in accordance with law, by passing a speaking order within a period of four weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioners are found entitled for any benefits, the same be paid to them within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

November 30, 2022
Ajay

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No