

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

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CWP No.26380 of 2022

Date of Decision: 18.11.2022

Manga Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Jagbir Singh Brar, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

The petitioner has invoked jurisdiction by preferring this petition under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of mandamus, directing the respondents to release all pensionary benefits along with interest @ 18% per annum.

It is submitted that the petitioner on attaining the age of superannuation, retired on 30.04.2021 but his terminal benefits were not released to him on his retirement. Accordingly, the petitioner made representation dated 01.08.2022 (Annexure P-9) for release of his terminal benefits along with interest @ 18% per annum, which is still pending consideration with the authorities.

Thereafter, on various dates petitioner has received part payments towards his retiral dues and is in receipt of all his pensionary benefits, except an amount of Rs.430/- that was deducted from the amount of his gratuity. It is submitted that the claim with regard to payment of interest on delayed payment of arrears still survives. It is contended that in the light of the ratio of the judgment of the Full Bench of this Court in *A.S. Randhawa vs. State of Punjab and others*, 1997(3) SCT 468 (FB) and that

of a coordinate Bench in *J.S. Cheema vs. State of Haryana and others*, 2014(13) RCR (Civil) 355, it is incumbent upon the employer to grant interest on delayed payments.

Learned counsel also cites a recent decision of the Apex Court in *Dr. A. Salvaraj vs. C.B.M. College and others*, (2022) 4 SCC 627, upholding the aforesaid principle of law.

Learned counsel on instructions from the petitioner submits that the petitioner would be satisfied, at this stage, in case his representation dated 01.08.2022 (Annexure P-9), in relation to payment of interest on delayed payment also, is decided by passing a speaking order in a time bound manner.

Notice of motion to the limited extent.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of the respondents and waives service. She would submit that the concerned respondent would look into the matter and the competent authority will take a decision on the representation of the petitioner, in accordance with law, within the stipulated time.

Heard learned counsel for the parties.

In view of the restricted prayer made and the submissions noticed above, without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in the representation, respondent No.2/Competent Authority is directed to consider and decide the claim made in the representation dated 01.08.2022 (Annexure P-9), in accordance with law, by passing a speaking order within a period of six weeks from the date of receipt of certified copy of this order.

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

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

November 18, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No