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

**CWP-5812-2019 (O&M)
Date of Decision: 11.01.2023**

Satish Kumar

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P.S. Sidhu, Advocate for
Mr. Surinder Garg, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Aditya Sharma, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondents to release the retiral benefits to him which includes gratuity, leave encashment, GPF, pension and salary for a period of four months w.e.f. 01.09.2018 to 31.12.2018 alongwith other consequential benefits.

Learned counsel for the petitioner has submitted that the petitioner has retired as a Junior Assistant from the respondent No.4- Municipal Council, Abohar on 31.12.2018 after attaining the age of superannuation but the Council had withheld the retiral benefits of the

petitioner without any justification. He submitted that now during the pendency of the present petition all the retiral benefits have been given to the petitioner and amount and the time from which it has been given has been so stated in the affidavit which has been now filed by the petitioner on 11.05.2022. He submitted that there has been an inordinate delay of about one year in disbursing the retiral benefits and there is no justification for withholding the same and therefore, in view of Full Bench judgment of this Court in ***A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)***, he is entitled for the grant of interest.

Mr. Aditya Sharma, Advocate appearing on behalf of respondent No.4 has submitted that it is correct that the petitioner has now been paid the entire retiral benefits but interest has not been paid till date.

I have heard the learned counsel for the parties.

The affidavit which has been filed by the petitioner on 11.05.2022 would show that different amounts have been paid on different dates. The relevant portion of the aforesaid affidavit is reproduced as under:-

“1. That the deponent was entitled for an total amount of Rs. 15,15,940/- and out of which Rs. 5 Lacs were paid on 29.10.19, Rs.10,11,000/- were paid on 9.12.19 and Rs. 4,940/- were paid on 10.12.19, whereas, the deponent has retired on 31.12.2018”.

The petitioner had retired on 31.12.2018 and retiral benefits have been paid after about one year and there is no justification coming forth from respondent No.4 as to why there had been a delay. During the

course of arguments, learned counsel for respondent No.4 has stated that due to financial constraints the same was not given. However, this Court is of the view that the right to get interest on delayed payments of retiral benefits is a valuable right and therefore, the petitioner is entitled for the grant of interest especially in view of the fact that there is no other reason as to why there was a delay in disbursement of the retiral benefits. The case of the petitioner is covered by a Full Bench judgment of this Court in ***A.S. Randhawa Versus State of Punjab and others (Supra)***.

In view of the above, respondent No.4 is directed to pay an interest @ 6% p.a. to the petitioner on the delayed payments after calculating the same in accordance with law and within 3 months from today.

The present petition stands disposed of accordingly.

11.01.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No