

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CWP-10480 of 2021

Date of Decision:20.03.2023

Sukh Ram

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Sandeep Chopra, DAG, Punjab

Mr. Aditya Pratap Duggal, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to release the amount of gratuity, leave encashment, provident fund, arrears of revised pay scale and all other remaining service-cum-retirement benefits to the petitioner alongwith interest on the delayed payments.

Learned counsel for the petitioner submitted that the petitioner retired as Sewadar from the Municipal Council (respondent No.4) on 30.10.2020 and during the pendency of the present writ petition, the retiral benefits have been paid to the petitioner and therefore he confines the scope of the present writ petition only to the extent of grant of interest on the delayed payments. He submitted that in the reply which has been filed by the Municipal

Council details have been given with regard to the dates on which amount had been paid to the petitioner on different heads/counts. He submitted that there was no legal impediment for delaying the payments which were to be paid to the petitioner nor any reason has been given in the reply which has been filed by the Municipal Council and therefore in view of the law laid down by a Full Bench judgment of this Court in **A.S. Randhawa versus State of Punjab and others** 1997(3) SCT 468 the petitioner is entitled for the grant of interest.

On the other hand, Mr. Aditya Pratap Duggal, learned counsel appearing on behalf of respondent No.4-Municipal Council submitted that it is correct that during the pendency of the present writ petition, all the retiral benefits have been paid to the petitioner but the same were paid with the delay because of the second wave of the Covid-19 pandemic.

I have heard the learned counsel for the parties.

During the pendency of the present writ petition, the petitioner has already been paid all the retiral benefits as per the short reply filed by the Municipal Council in which details have been mentioned. Although learned counsel for the respondent-Municipal Council has raised a plea of second wave of Covid-19 pandemic but a perusal of the reply which has been filed by the Municipal Council would show that no such plea has been taken. Rather in the reply, no reason has been mentioned as to why there was a delay. Therefore, in the absence of any reason for delaying the payment which is a Constitutional Right of an employee under Article 300-A of the Constitution of India, certainly entitled for the grant of interest in view of the judgment of Full Bench of this Court in ***A.S. Randhawa*** (supra).

In view of the aforesaid position, the present petition is allowed.

The petitioner shall be entitled for the grant of interest @6% per annum from the date of his retirement till the date of actual disbursement of all the amounts on different heads/counts.

The respondent No.4 shall calculate the interest @6% per annum and pay to the petitioner within a period of six months from today.

In case the aforesaid amount is not paid to the petitioner within a period of six months as stated above, then the petitioner shall be entitled for the future rate of interest @9% per annum instead of 6% per annum.

Since the petitioner had retired as a Sewadar from the Municipal Council and has been compelled to file the present petition for seeking his retiral benefits, he shall be entitled for costs of Rs.10,000/- and the same shall also be paid within a period of six months.

(JASGURPREET SINGH PURI)
JUDGE

March 20, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No