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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11959-2019 (O&M)
Date of Decision: 15.02.2023

GURSEWAK SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harbans Lal Sharma, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. H.S. Jugait, 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 pay interest on the delayed payment of retirement benefits of the petitioner @ 12% per annum.

Learned counsel for the petitioner has submitted that the petitioner retired as Deputy Registrar, Co-operative Societies, Punjab on 31.08.2017 and much prior to his retirement, he had submitted all the requisite documents for the pension and pensionary benefits and on 20.06.2017 vide Annexure P-4 his pension payment order was rather sanctioned which was much prior to his retirement and the gratuity and

commuted pension were also sanctioned on the same aforesaid date on 20.06.2017 which is Annexure P-4 (Colly). He submitted that after the sanction was made, the petitioner retired on 31.08.2017 still the respondent-department did not pay him for more than seven months. He submitted that the delay caused by the respondent was without any justification and he is therefore entitled for the grant of interest.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that it is correct that the pension, gratuity and commuted pension was sanctioned prior to his retirement but the petitioner had submitted the documents pertaining to his retirement only three months prior to his retirement and therefore, this caused the delay. She referred to the chart which has been mentioned in para No.7 of the reply on merits in a tabulated form in which dates have been mentioned on which the amount has been paid. She submitted that in view of the fact that the petitioner did not submit the pension papers six months prior to his retirement, he is not entitled for the grant of interest.

I have heard the learned counsel for the parties.

The only objection has been taken by the learned State counsel that the petitioner did not submit pension papers six months prior to the date of his retirement and therefore, there was a delay in the disbursement of the amount of his pensionary benefits pertaining to gratuity, leave encashment and GIS. However, the learned counsel for the petitioner has relied upon Annexure P-4(Colly) to state that the gratuity, commuted pension and the pension itself was rather sanctioned prior to his retirement

i.e. on 20.06.2017 and therefore such a plea taken by the learned State counsel is totally misconceived and does not have any significance since the entire process was completed. Therefore, the plea taken by the learned counsel for the petitioner does carry weight. Once the amount has been sanctioned prior to his retirement, then there should not be any delay in disbursement of the amount at the time of retirement and even seven months delay was unreasonable delay for which no justification has come forth.

In view of the above, the present petition is allowed. The petitioner shall be entitled for the interest @ 6% per annum from the date on his retirement till the date of disbursal to him. The said interest amount shall be paid to the petitioner within a period of three months from today. In case the amount is not paid within three months, then the future interest shall be @ 9% per annum instead of 6%.

15.02.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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