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

CWP-10848-2019

Date of Decision: 31.01.2023

Balwinder Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwarpal Singh, Advocate for
Mr. Vishal Nehra, Advocate,
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside impugned order dated 15.02.2019 (Annexure P-7 Colly) whereby the claim of the petitioners for grant of interest on the delayed payment of retiral benefits has been denied.

Petitioner No.1 had retired on 31.10.2016 and petitioner No.2 had retired on 30.11.2016 as Inspectors. The petitioners were not granted the retiral benefits on time and therefore, they had filed a writ petition bearing CWP-21208-2018 which was disposed of vide Annexure P-6 on 25.10.2018 with a directions to the respondents to look into the legal notice dated 23.07.2018 and take the required decision thereon, expeditiously and preferably within a period of three months. Thereafter, an order vide Annexure P-7 was passed wherein the interest had been denied.

Learned counsel appearing on behalf of the petitioner has submitted that the delay in the retiral benefits is not on the part of the petitioners but on the part of respondents/State without any reason and may be because of inter-department communications with the Department of Accounts and therefore, the petitioner is entitled for grant of interest on the delayed payment particularly law laid down by the Full Bench of this Court in “A.S. Randhawa Vs. State of Punjab and others”, 1997(3) SCT 468.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab while referring to reply filed by the State has submitted that the petitioners' case for grant of G.P. Fund was moved in December, 2016 and thereafter, it was sent to the concerned Treasury Branch and since the financial year had lapsed, the bill was again submitted and ultimately the G.P. Fund was paid in March, 2018. She further submitted that so far as the compliance of the aforesaid order dated 25.10.2018 is concerned, the order had been passed vide Annexure P-7 in which it was stated that there was no delay on the part of the office of the Punjab Roadway, Hoshiarpur since the time which was taken in due course.

I have heard the learned counsel for the parties.

It is a case where the petitioners have filed the present petition for grant of interest on the delayed payments. Earlier the petitioners had also filed a petition wherein this Court had disposed of the petition with a direction to the respondents to consider the legal notice. Thereafter, Annexure P-7 was passed pertaining to Gratuity only and a perusal of the same would show that no good reason has been given by respondent No.4-General Manager, Punjab Roadways Depot Hoshiarpur but the only reason

which has been given is that the payment was made in due course. Such kind of reasoning of delay is not acceptable. The Gratuity was paid to the petitioners in the month of February, 2018. The State while filing the reply to the present petition has confined only to the extent of delay in G.P. Fund. The reasoning given in the reply with regard to the inter-department communication with the Treasury and lapse of financial year does not constitute a good reason for justifying the delay. From the pleading of the present case nothing can be ascertained pertaining to the other retiral benefits of the petitioners.

So far as the Gratuity and G.P. Fund is concerned, this Court is of the view that the delay was not at the hands of the petitioners but was at the hands of the respondents.

In view of the aforesaid facts and circumstances, the present petition is allowed. The respondent Nos.3 & 4 are directed to pay the interest on delay of Gratuity and G.P. Fund @ 6% per annum to both the petitioners within a period of three months from today.

So far as the other retiral benefits are concerned, since there is no pleading available in the petition, the respondent No.4 is directed to look into the aforesaid issue with regard to the remaining retiral benefits, if any, and in case there is unreasonable delay in disbursement of the remaining retiral benefits if any, as well then shall grant interest @6% on those remaining benefit. In case there is any reasonable justification for delay, then a speaking order be passed.

31.01.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |