

237

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CWP-13566-2020 (O&M)****Date of Decision:27.03.2023**

Harvinder Pal Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Sandeep Chopra, DAG, Punjab.

Mr. Jatinder Kumar, Advocate for
Mr. Abhinav Gupta, Advocate for respondents No.2 to 5..

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to release the remaining service-cum-retirement benefits of the petitioner, such as Pension, Gratuity, Leave Encashment etc.

Learned counsel for the petitioner submitted that the present writ petition was filed seeking the release of service-cum-retirement benefits of the petitioner and during the pendency of the present petition the same has been released to the petitioner and now only cause of action which survives in the present petition is for grant of interest to the petitioner as there had been unjustifiable delay in the release of the retiral benefits to the petitioner.

Learned counsel for the petitioner further submitted that the petitioner had retired on 31.05.2020 and while referring to reply filed by the Municipal Council, Malout whereby details of disbursement have been given in the

on delayed payments of retiral benefits.

Mr. Jatinder Kumar, Advocate for Mr. Abhinav Gupta, Advocate has appeared on behalf of respondents No.2 to 5 and submitted that in view of the short affidavit filed by Executive Officer, Municipal Council, Malout, all the benefits have been given to the petitioner during the pendency of the present writ petition and therefore the present petition has become infructuous and the petitioner is not entitled for the grant of interest on delayed payments.

I have heard counsel for the parties.

The scope of the present petition is for grant of interest on the delayed payments of retiral benefits. All the benefits have been paid to the petitioner on different dates in view of the short reply filed by respondent No.5 in para 2 the dates of disbursement of different payment/amounts have been mentioned and so far as the payment of gratuity is concerned the amount has been paid on 01.06.2020 and 27.08.2020 for which according to this Court there is no delay as the petitioner retired on 31.05.2020. However, one part of the gratuity and leave encashment were paid on 17.03.2021. So far as the balance of leave encashment, P.F. Advance (Balance), Pay Scale (Balance) and Dearness Allowance (Balance) are concerned, the same were paid on 07.07.2021 and Balance in PF Account was made on 22.10.2020.

A perusal of the short affidavit filed by Executive Officer, Municipal Council, Malout would show that there is no reason mentioned at all with regard to the delayed payments. The petitioner had retired on 31.05.2020 and all benefits ought to have been released immediately thereafter but the same were released after much delay.

In the absence of any reason mentioned in reply filed by learned counsel for respondent No.5-Executive Officer, Municipal Council, Malout, the

petitioner is certainly entitled for grant of interest on delayed payments.

Consequently the present petition is partly allowed and the petitioner shall be entitled for the grant of interest at the rate of 6% per annum on the following heads :-

- 1. Part of gratuity which was paid on 17.03.2021;
- 2. Leave encashment, PF. Advance (Balance),
- 3. Pay Scale (Balance);
- 4. Dearness Allowance (Balance);
- 5. Balance in PF Account.

The same be given from the date of retirement till the date of disbursement to the petitioner. Learned counsel for the respondents are directed to calculate the aforesaid interest amount at the rate of 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 the aforesaid stipulated time frame, the petitioner shall be entitled for future rate of interest at the rate of 9 % per annum instead of 6 % per annum.

No order as to costs.

(JASGURPREET SINGH PURI)
JUDGE

27.03.2023

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