

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

226)

CWP-10871 of 2016

Date of Decision: 12.01.2023

Bhag Chand

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitesh Singla, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. Kavita Arora, 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 a writ in the nature of *mandamus* directing the respondents to release the pending pensionary benefits alongwith interest at the rate of 12% per annum.

It has been submitted that the learned counsel for the petitioner that the petitioner retired on 31.08.2013 from Municipal Council, Sunam and earlier he was working in the office of the Municipal Council, Bareta and also for sometime at Improvement Trust, Patiala. He submitted that the retiral benefits have already been paid to the petitioner but the same have been paid by way of delayed payment for no fault of the petitioner. He further submitted that the petitioner is entitled for the interest for the delayed payment since there was no fault of the petitioner and has also referred to a Full Bench judgment of

this Court in A.S. Randhawa versus State of Punjab and others 1997(3) SCT 468.

Ms. Kavita Arora, learned counsel appearing on behalf of respondent No.4-Municipal Council, Sunam submitted that a reply has been filed by the Municipal Council, Sunam whereby it has been so stated that the petitioner had in fact remained posted at different places including the Municipal Council, Sunam, Municipal Council, Bareta and Improvement Trust, Patiala at different points of time and the details of the same have been mentioned in paragraph 2 of the reply and the Municipal Council, Bareta where he had served for the maximum period of time was also impleaded as respondent No.5 in the present petition and similarly Improvement Trust, Patiala was also impleaded as respondent No.6 in the present petition. However, no reply has been filed by the respondents No.5 and 6 in the present case, although earlier they were represented through a counsel before this Court vide orders dated 13.03.2019 and 20.01.2020 respectively.

Ms. Akshita Chauhan, learned DAG, Punjab has submitted that so far as respondents No.1 to 3 are concerned, they are the State authorities and on their end the pensionary benefits stood sanctioned but the same was to be paid by the respective Municipal Councils according to the time where he has worked.

I have heard the learned counsel for the parties.

Even as per the learned counsel for the parties, there had been a delay in the payment of retiral benefits to the petitioner and there was no impediment for non-payment. Therefore, delay in payment of pensionary benefits is not in dispute. However, the scope of the present petition is now

restricted only for the payment of interest on the delayed payment. Learned counsel appearing on behalf of the Municipal Council, Sunam submitted that the petitioner served in the Municipal Council only for 13 days whereas for rest of the period he had served either in the Municipal Council, Bareta or Improvement Trust, Patiala. Nobody has caused appearance on behalf of the Municipal Council, Bareta or Improvement Trust, Patiala nor reply has been filed by them. It appears that the amount which is to be paid as interest may be fastened upon two Municipal Councils and Improvement Trust, Patiala subject to the respective posting of the petitioner at different places and all the three organizations, i.e. the Municipal Council (Sunam), Municipal Council (Bareta) and Improvement Trust, Patiala are under the supervisory capacity of the Director, Local Bodies, Punjab. Therefore, this Court deems it fit and proper to direct the Director, Local Bodies, Punjab to convene a meeting of all the respective officers of the aforesaid two Municipal Councils and Improvement Trust, Patiala and thereafter whoever is liable to pay the interest on the amount, shall be directed to pay the interest on the delayed payment after calculating the same at the rate of 6% from the date of accrual till the date of disbursement. The said exercise be carried out by the Director, Local Bodies, Punjab within a period of two months from today and thereafter the interest amount shall be paid by the respective local body/bodies within next period of three months.

Petition stands disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

January 12, 2023

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