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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-12921-2017

Date of Decision:20.04.2023

Ramesh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. K.R. Dhawan, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab

JASGURPREET SINGH PURI J.(Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* for directing the respondents to pay the remaining retiral benefits and also interest on the delayed payments.

2. Learned counsel for the petitioner submitted that the petitioner was retired as Station Supervisor from Punjab Roadways on 31.10.2015 and all the necessary papers were in order and submitted well in time at the time of retirement but the payment of different heads i.e. G.P. Fund, Gratuity, Leave encashment and GIS etc. have been paid after a lapse of few months for which there is no justification. He submitted that since large amount/payment is involved and he is entitled for the grant of interest on delayed payments. Since there is no justification for delay in payments and has also referred to the Full Bench judgement of this Court in *A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468* in this regard. He further submitted that even as per the reply that has been filed by the State, GPF amount was paid to the petitioner on

10.03.2016, Gratuity was paid on 15.03.2016, Leave Encashment amount was paid on 25.05.2016 and GIS amount was released on 31.03.2016 and revised gratuity amount paid on 16.10.2017. He submitted that so far as the grant of interest on the revised payment is concerned, he does not press the same in the present petition but he is certainly entitled for the grant of interest on the delayed payments of retiral benefits for which there was no justification for delay.

3. On the other hand, Ms. Akshita Chauhan, DAG, Punjab, appearing on behalf of the State, while referring to the reply filed by the State submitted that although it has not come in reply for making a justification as to why there was delay but the delay was not very long and it was only a few months and therefore the petitioner is not entitled for interest.

4. I have heard learned counsel for the parties.

5. Learned counsel for the petitioner during the course of arguments has not pressed the prayer for grant of interest on revised gratuity but he has pressed the prayer pertaining to other components i.e. GPF, leave encashment and GIS. A perusal of para No.5 of the preliminary submissions filed by the respondent-State would show that all the bills for payment of the retiral benefits of the petitioner were prepared in time by following the due procedure and were sent to the Treasury Office on time. Therefore it is clear that once the entire process was completed well in time then there should not have been delay and the pensionary benefits should have been given to the petitioner immediately after retirement. Although there is a delay of few months but there is no justification for the same. The petitioner has retired as Station Supervisor and even delay of few months would also affect the petitioner so far as the grant of interest is concerned.

6. In the absence of any reason or justification for delay in the payment of retiral benefits, the petitioner would be entitled for grant of interest specially in

Consequently the present petition is partly allowed. The petitioner shall be entitled for interest @ 6 % per annum (simple) from the date of retirement till the date of actual disbursement to the petitioner on all retiral benefits except for revised gratuity regarding which the learned counsel petitioner has not pressed the prayer during arguments. The concerned department of the State is directed to calculate the aforesaid interest amount at the rate of 6 % per annum and pay to the petitioner within a period of four 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.

7. No order as to costs.

(JASGURPREET SINGH PURI)
JUDGE

20.04.2023

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