

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

107

CWP-18802 of 2017

Date of Decision: 21.02.2023

Hakam Chand

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of action of the respondents withholding the part of the gratuity to the tune of Rs.1,42,340/- without any rhyme or reason and without issuing any show cause notice as well as without affording opportunity of hearing.

Learned counsel for the petitioner submitted that the petitioner had retired on 30.06.2015 and thereafter his gratuity to the extent of Rs.1,42,340/- was withheld without any reason. He submitted that during the pendency of the present petition, a reply has been filed by the State in which it has been so stated that now the respondents have deposited an amount of Rs.1,42,340/- on 10.05.2018. He submitted that no justification has been given in the reply filed by the State as to what was the reason for delay in disbursement of the aforesaid amount and it was only a short reply which has been filed by the respondents. He submitted that the petitioner is entitled for

the interest especially in view of the law laid down by a Full Bench judgment in **A.S. Randhawa versus State of Punjab and others 1997(3) SCT 468** .

On the other hand, Ms. Ambika Bedi, learned AAG, Punjab has submitted that it is correct that as per the reply, the aforesaid amount has now been disbursed to the petitioner on 10.05.2018.

I have heard the learned counsel for the parties.

The facts in the present case are not in dispute. The grievance of the petitioner by filing of the present petition was that when he had retired on 30.06.2015, the respondents withheld the gratuity amount of Rs.1,42,340/- for no reason and when a reply was filed by the State, no justification has been stated and rather it has been so stated that now it has been paid on 10.05.2018. Therefore the petitioner is entitled for the interest on the delayed payment since no justification has come forth as to why there was a delay. Consequently, the present petition is partly allowed. The petitioner shall be entitled for interest on the delayed payment @ 6% per annum (simple) from the date of its accrual till the time of its disbursement. The said amount shall be calculated and paid to the petitioner within a period of four months from today.

In case the aforesaid amount is not paid within the aforesaid period of four months, then the petitioner shall be entitled for future interest @9% per annum instead of 6% per annum.

(JASGURPREET SINGH PURI)
JUDGE

February 21, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No