

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21030 of 2018
Date of decision : 23.01.2023

Shashi Pal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab.

Ms. Sukhmani Patwalia, Advocate
for respondent No.4.

PANKAJ JAIN, J.

The petitioner is seeking writ in the nature of mandamus directing the respondents to release his pensionary/retiral benefits.

2. Written Statement file on behalf of respondent No.4 is taken on record.

3. The petitioner was appointed as Pump Operator with the respondent-Department on 11th of February, 1987 from where he retired on attaining age of superannuation on 31st of March, 2018. It has been pleaded that though the petitioner has been paid some of the retiral benefits including pension. However, leave encashment, gratuity and GPF have not been paid till date.

4. Short reply by way of affidavit of Surjit Singh, Joint

Commissioner, Municipal Corporation, Pathankot, District Pathankot has been filed on behalf of respondent No.4, the same is taken on record wherein it has been claimed that during pendency of the present writ petition all the due payments have been cleared and released in favour of the petitioner. The details of the payments so made have been tabulated as under :-

Sr. No.	Cheque number	Date	Amount paid in Rs.
1	227342	05.02.2018	2,00,000/-
2	737944	17.05.2018	2,51,630/-
3	27766	10.03.2018	6,79,136/-
4	27767	18.03.2018	19,462/-
5	171254	18.03.2019	1,00,000/-
6	3672	22.05.2019	2,00,000/-
7	731102	15.11.2019	2,00,000/-
8	482503	17.07.2020	2,00,000/-
9	482561	15.09.2020	1,07,728/-
TOTAL PAYMENT			19,57,956/-

- 5.Ld. Counsel for the petitioner does not dispute that the payments have been received. However, he claims that on delayed payments the petitioner would be entitled for interest.
- 6.In view of law laid down by Full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others, 1997(3) SCT 648**, the petitioner is thus held to be entitled for delayed disbursal of terminal benefits beyond period of 3 months from the date of his retirement.

7. Resultantly, the present writ petition is disposed off with the direction to the respondents to pay interest on the payments made to the petitioner beyond the period of three months from the date of his retirement i.e. 30th of June, 2018 (keeping in view the date of retirement of the petitioner i.e. 31st of March, 2018) @ 6% per annum. The interest shall be calculated from 1st of July 2018 till the actual date of realization.

8. Needless to say the payments made before 30th of June, 2018 shall not carry any interest.

9. Ordered accordingly.

January 23, 2023

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No