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

**CWP-19738-2020 (O&M)
Date of Decision: 11.01.2023**

KANS RAJ

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Saruti Sandal, Advocate for
Mr. R.S.Manhas, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. M.S.Batth, 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 pay the pensionary benefits to the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner has submitted that the petitioner had retired as a Peon on 31.12.2019 from the office of respondent No.4-Improvement Trust, Pathankot and thereafter, the retiral benefits of the petitioner was not paid. She submitted that there was a total amount of Rs. 12,74,400/- due to the petitioner but the same was not paid in time. She referred to para No.5 of the writ petition to state that at the time of the filing of the petition only Rs. 7,00,000/- was paid and the remaining

amount of Rs. 5,74,400/- was still not paid. She submitted that now during the pendency of the present petition, the remaining amount of Rs. 5,74,400/- has been paid on 10.11.2020 and 01.02.2021 by way of two different cheques and the aforesaid amount was delayed at the instance of respondent No.4 for no fault of the petitioner and therefore, the petitioner was constrained to file the present petition. She has therefore prayed for interest on the aforesaid amount and has relied upon a Full Bench judgment of this Court in ***A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)*** in this regard.

On the other hand, Mr. M.S. Bath, Advocate appearing on behalf of respondent No.4 has submitted that a reply has been filed by way of affidavit of the Executive Officer, Improvement Trust, Pathankot and while referring to the reply wherein in para No.3 the bifurcation of the amount paid to the petitioner has been given in a tabulated form. He submitted that the petitioner had retired on 31.12.2019 and most of the amounts have been paid to him till 02.06.2020. He submitted that so far as the period prior to the same is concerned, the country had suffered lockdown and curfews for a limited period of time and therefore, the aforesaid amount was delayed and for that reason there was a justified reason as to why there was a delay of few months in that regard. However, the remaining amount of Rs. 5,74,400/- has been paid on 10.11.2020 and 01.02.2021 and that was also because there were financial constraints with the respondent-Improvement Trust.

I have heard the learned counsel for the parties.

The petitioner had retired on 31.12.2019. An amount of Rs. 7,00,000/- has been paid to the petitioner even as per the affidavit filed by the petitioner respondent-Improvement Trust till 02.06.2020. So far as the period commencing from March, 2020 for another period of about 3-4 months is concerned, in fact the country was facing Covid-19 pandemic and there was a lockdown in the entire country and even there was a curfew also and for that period, it cannot be said that there was any delay on the part of the respondent-Improvement Trust. However, so far as the remaining amount of Rs. 5,74,400/- is concerned, the same was paid on 10.11.2020 and 01.02.2021 and for that there is no justification for delay. The case of the petitioner is covered by a Full Bench judgment of this Court in *A.S. Randhawa Versus State of Punjab and others (Supra)*.

Consequently, the petitioner is entitled for the grant of interest @ 6% per annum for the aforesaid amount of Rs. 5,74,400/- from the date of accrual till the date of disbursement. The interest amount be calculated and shall be paid to the petitioner within a period of three months from today by respondent No.4.

The present petition stands partly allowed.

11.01.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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