

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19934-2023
Date of decision: 11.09.2023

Kuldeep SinghPetitioner
V/s
Punjab State Power Corporation Limited and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to pay interest @ 12% per annum on the delayed payments of the pensionary benefits of the petitioner viz. Pension, commuted pension, gratuity, leave encashment and GP Fund as the delay has been caused by the respondents themselves in releasing the aforesaid pensionary benefits of the petitioner by not processing his pension case.

Learned counsel for the petitioner contends that the petitioner entered into service as Lineman on regular basis on 29.02.1996 in the erstwhile Punjab State Electricity Board renamed as the Punjab State Power Corporation Limited (hereinafter referred to as 'Corporation'). The petitioner retired from service on 31.05.2022 on attaining the age of superannuation. Learned counsel submits that despite submission of pension case of the petitioner well in time with the respondents, his pensionary benefits were not released as required under the Rules, but released after incurring a considerable delay without any fault on the part of the petitioner. The petitioner was released his gratuity amounting to

Rs.10,41,344/- on 12.07.2023 although the same was sanctioned vide gratuity pay order dated 05.04.2023, arrears of commuted pension amounting to Rs.12,33,551 on 10.05.2023 although, the same was sanctioned vide Commutation Value Order dated 23.01.2023, pension arrears amounting to Rs.3,58,174/- on 01.03.2023 although the Pension Pay Order was sanctioned on 23.01.2023, leave encashment amounting to Rs.7,60,920/- on 29.11.2022 although the same was sanctioned vide order dated 20.09.2022 and final payment of GP Fund amounting to Rs.3,85,218/- on 30.08.2022. Thus, a total amount of Rs.37,79,207/- on account of aforesaid pensionary benefits was released to the petitioner after incurring an inordinate delay and the petitioner is entitled to claim interest @12% per annum on the delayed payments of aforesaid pensionary benefits. Learned counsel again submits that petitioner has served notice of demand dated 04.07.2023 (Annexure P-5) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the notice of demand in a time bound manner.

Notice of motion.

Mr. Abhinav Chadha, Advocate has put in appearance in the Court today and accepts notice on behalf of respondents and does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the notice of demand dated 04.07.2023 (Annexure P-5), respondents are directed to decide the notice of demand, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the

abovesaid notice of demand, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

11.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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