

230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4105-2020
Date of decision: 24.04.2024

AMRIK SINGH

...Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD PANCHKULA AND
OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohnish Sharma, Advocate
for the petitioner.

Mr. Anil Sharma, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the impugned office memo dated 01.08.2018 (Annexure P-3) to the extent, whereby withheld amount (recovery) of Rs.1,34,816/- was deducted from the DCGR/Gratuity of the petitioner after his retirement on account of half margin payments without any show cause notice or enquiry and to refund the amount along with interest @ 18% per annum and further to issue a writ in the nature of *mandamus* directing the respondents to grant 3rd ACP w.e.f. 01.01.2016 to the petitioner along with consequential service benefits and also to grant 18% interest on the delayed payments of arrear of pension, arrear of pay scale and payment of commutation and gratuity.

2. Learned counsel for the petitioner submitted that the petitioner is restricting his claim only to the extent of grant of interest on the delayed payment of Rs.1,34,816/-, which was deducted from his gratuity and has been paid to him during the pendency of the present writ petition on 17.08.2021 and also interest on the delayed payment of Rs.21,175/- on account of leave encashment, which was paid to him on 25.07.2023. He referred to a Full Bench judgment of this Court in **A. S. Randhawa versus State of Punjab and others, 1997 (3) SCT 468** in this regard.

3. On the other hand, learned counsel for the respondents submitted that so far as the interest on the delayed payment of Rs.1,34,816/- is concerned, there is no justification with regard to the delay at all but so far as the interest on the delayed payment of Rs.21,175/- is concerned, the petitioner has submitted the performa of leave encashment in the year 2023 itself and therefore, he is not entitled for getting interest on the same.

4. After hearing learned counsel for the parties, this Court is of the view that the mere fact that the petitioner had submitted the performa of leave encashment in the year 2023 i.e. after his retirement cannot become a ground for denial of interest. Whenever an employee retires, it is a duty of the employer to get all the information and documents from the employee and it cannot become a ground for denial of interest.

5. In view of the above, the present writ petition is partly allowed. The respondents are directed to pay interest @ 6% per annum to the petitioner on the aforesaid two heads i.e. Rs.1,34,816/- and Rs.21,175/- after two months from the date of his retirement till the date of its disbursement. The aforesaid interest shall be paid by the respondents to the petitioner within a period of

three months from today after calculating the same. In case the aforesaid amount is not paid to the petitioner within a period of aforesaid three months, then the petitioner shall be entitled for future rate of interest @ 9% per annum (simple). However, there shall be no order as to costs.

24.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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