



CWP-4369-2000

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-4369-2000
Date of Decision: 29.08.2024

Same Ram Hooda

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Niharika Mittal, Legal Aid Counsel,
for the petitioner.

Ms. Rajni Gupta, Addl. AG, Haryana.

Mr. Padamkant Dwivedi, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to pay interest at the rate of 18% per annum to the petitioner on the delayed payments of gratuity, GPF, Leave Encashment and arrears of pension which amount was illegally withheld by the respondents for quite a long period.

2. Learned Legal Aid Counsel appearing on behalf of the petitioner submitted that the petitioner retired from the post of Zonal Marketing Enforcement Officer on 28.02.1998. She further submitted that some of the retiral benefits were released to the petitioner in the month of October, 1998 and the delay was without any justification and the remaining



benefits were released in November, 1998 and submitted that there was no justification for the aforesaid delay and in this regard, she referred to the judgment of Full Bench of this Court passed in **“A.S. Randhawa Vs. State of Punjab and others”**, 1997(3) SCT 468, to contend that the retiral benefits become due at the time of retirement and at the most two months time can be granted thereafter but here there has been an unreasonable delay and therefore, the petitioner is entitled for interest on the delayed payments. She also referred to a judgment passed by a Co-ordinate Bench of this Court passed in CWP-15867-2001 titled as **“J.S. Cheema Vs. The State of Haryana and others”**, decided on 20.11.2013.

3. On the other hand, Mr. Padamkant Dwivedi, learned counsel for respondent No.2 submitted that the reason for delay was because the documents were not complete.

4. I have heard the learned counsels for the parties.

5. It is not disputed that the petitioner retired in the year 1998 and the retiral benefits were released after a delay of about 8-9 months. At the most, the respondent-Board could have taken two more months after the date of retirement but should not have delayed without any justifiable reason. The mere fact that some documents were not given to the respondents, cannot become a ground for delaying the disbursement of the retiral benefits because it is the duty of the respondent or the employer to get the complete documents and to start the process at least six months prior to the date of retirement.

6. In view of the aforesaid facts and circumstances, the present petition is allowed. The respondents are directed to pay interest @6% per annum (simple) on the delayed payment of retiral benefits to the petitioner

calculating it from the date of retirement plus two months till the date of actual disbursement within a period of 3 months from today.

29.08.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No