



CWP-13102-2021

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

CWP-13102-2021

Date of decision: 20.05.2024

KRISHAN KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr.Rajesh Kumar Girdhar, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Aditya Pratap Duggal, Advocate with
Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate for respondent No.3.

NAMIT KUMAR ,J. (ORAL)

1. The instant petition has been filed by the petitioner under Article 226/227 of the Constitution of India for issuance of a writ of mandamus, directing the respondents to pay interest on delayed payment of retiral benefits.

2. Admittedly, the petitioner retired on attaining the age of superannuation on 31.08.2010. As per the record, the petitioner for the first time submitted application in the month of October, 2010, which was received by the Municipal Corporation-respondent No.3 on 04.10.2010 regarding counting of daily wage service and the amount of Rs.27,035/-, being arrears of 'Daily Wage Services' was deposited by the petitioner on 30.06.2018 for counting his daily wage service. Thereafter, he filed CWP No. 1081-2018, claiming retiral benefits which was disposed of by this Court vide order dated 19.01.2018 (Annexure P-6), with a direction to respondent No.3-Commissioner, Municipal Corporation, Bathinda to look into the grievance of the petitioner as submitted in the representation dated 26.05.2017 and to take a conscious decision, in accordance

with law, within a period of three months.



3. In pursuance to the said directions, the retiral dues of the petitioner were released. Thereafter, the petitioner served a legal notice dated 20.04.2021 (Annexure P-7), claiming interest on the delayed payment of retrial dues, and in response thereto, a reply dated 11.06.2021 (Annexure P-8) was given by the Municipal Corporation, Bathinda, which reads as under:-

*"Reference: Your legal notice No.Nil dated 20.04.2021.
With reference to the subject cited above it is stated that your client Sh. Krishan Kumar S/o Sh. Karnail Singh, Retd. Mali-cum-chowkidar, Municipal Corporation, Bathinda did not present true facts before yourself. True facts are as under:-*

<i>Date of Retirement</i>	<i>31.08.2010</i>
<i>Leave Encashment payment</i>	<i>31.08.2010, Rs.1,31,196/-</i>
<i>Gratuity payment</i>	<i>02.09.2010, Rs.1,17,538/-</i>
<i>Final Payment of Provident Fund</i>	<i>18.06.2012, Rs.92,590/-</i>
<i>Basic Pension</i>	<i>08.05.2012, Rs.3500/- p.m</i>
<i>Application received in this office regarding counting of daily wage service</i>	<i>04.10.2010</i>
<i>Amount deposited by the employee after counting his daily wage service (Draft No. 287955 Dated 30.06.2018)</i>	<i>Rs.27, 035/-</i>
<i>Revised leave encashment</i>	<i>23.07.2018, Rs.32,659/-</i>
<i>Revised gratuity</i>	<i>23.07.2018, Rs.1,14,759/-</i>
<i>Payment regarding arrear of pension Cheque No.102493 Dated 04.02.2019</i>	<i>Rs.1,36,101/-</i>
<i>Revised basic pension</i>	<i>19.08.2018, Rs.4207/- p.m</i>

As per above, all the payments have already been made to the above said retired employee within stipulated time. Nothing is to be paid to the above said employee. This is for information please.

*For Commissioner,
Municipal Corporation,
Bathinda."*

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4. Through the instant petition, the petitioner is claiming interest on the delayed retiral dues. The stand of the respondents is that the petitioner retired on 31.08.2010 and leave encashment was paid on 31.08.2010 itself and gratuity was paid on 02.09.2010 and the final payment of provident fund was released on 18.06.2012 and his basic pension was also released on 08.05.2012. Thereafter, he submitted application regarding counting of his work charge/daily wage service on 04.10.2010 and deposited the necessary amount of Rs.27,035/- vide draft No.287955 dated 30.06.2018 and thereafter, his revised leave encashment and gratuity were released on 23.07.2018 and payment of arrears of pension were also released on 04.02.2019.

5. Since, there is no inordinate delay in release of the benefits as the petitioner himself has deposited the amount of Rs.27,035/- on 30.06.2018 and thereafter, the revised payment of leave encashment and gratuity were released within a period of one month thereafter, therefore, no case is made out to grant interest to the petitioner.

6. In view of the above, the present petition is, hereby, dismissed.

20.05.2024

*renubala***(NAMIT KUMAR)
JUDGE**

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