



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

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CWP-15516-2021

Date of decision : 18.09.2024

S. Satnam Singh

....Petitioner

V/S

Punjab State Power Corporation Limited and anotherRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

Mr. Rajesh Sehgal, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, for setting aside the action of the respondents in not releasing the interest to the petitioner on the delayed payment of pension and other retiral benefits while passing speaking order dated 05.03.2021 (Annexure P-3). Further, for seeking a writ of mandamus, directing the respondents to pay interest @ 12% per annum to the petitioner on the delayed payment of pension and retiral benefits.

2. Brief facts of the case, as have been pleaded in the present petition, are that the petitioner was employed as daily wager/workman in the respondent-Corporation in June, 1987 and retired as Assistant Lineman (ALM) on attaining the age of superannuation on 29.02.2020 from the office of respondent No.2. Since no departmental enquiry was pending against the petitioner, therefore, he was entitled for pension and other retiral benefits on his retirement. However, on 30.04.2020, the

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Corporation had released leave encashment only and no other retiral benefits were released to the petitioner. After passing of more than 08 months from the retirement of the petitioner, when no other retiral benefits were released, the petitioner served a legal notice dated 20.10.2020 to the Corporation for releasing his pension and other retiral benefits along with interest @ 12% but no action was taken on the same. Thereafter, the petitioner approached this Court by filing *CWP No.1772 of 2021 titled as 'S. Satnam Singh Vs. Punjab State Power Corporation Limited and another'* for releasing his pension and other retiral benefits along with interest. The said petition was disposed of by this Court vide order dated 27.01.2021, with a direction to the Corporation to consider the petitioner's legal notice dated 20.10.2020 on its own merits and in accordance with law and take appropriate action thereon. It was further directed that the exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a copy of the order. Pursuant to order dated 27.01.2021, passed by this Court, the Corporation passed speaking order dated 05.03.2021, whereby the retiral benefits of the petitioner were released, however, no interest on the delayed payment has been given. Hence, the present petition.

3. On the last date of hearing i.e. 20.08.2024, the following order was passed :-

“Learned counsel for the respondents has filed short affidavit on behalf of the respondents and the same is taken on record. He has also handed over the cheque amounting to Rs.48,503/- to the counsel for the petitioner for the interest on the delayed retiral dues calculated @ 6% per annum.



Learned counsel for the petitioner submits that the petitioner is entitled for much more amount as an interest than Rs.48,503/-.

Learned counsel for the respondents seeks two weeks more time for filing a detailed reply giving the calculation of amount of Rs.48,503/-.

On his request, adjourned to 18.09.2024.”

4. Pursuant to order dated 20.08.2024, written statement on behalf of the respondents has been filed in the Court today which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner. In the said written statement, it has been stated as under:-

“xx xx xx xx xx

7. *PARA-6 In speaking order, the department admitted the claim of petitioner for retiral benefits and reported the dates of payments for the same as follows :*

<i>BENEFIT</i>	<i>DATE</i>	<i>AMOUNT</i>
<i>1) Leave encashment</i>	<i>30.04.2020</i>	<i>3,03,550/</i>
<i>2) GPF</i>	<i>12.01.2021</i>	<i>7,30,872/-</i>
<i>3) Gratuity</i>	<i>19.04.2021</i>	<i>3,44,402/-</i>
<i>4) CVO</i>	<i>19.04.2021</i>	<i>2,58,356/-</i>
<i>5) Pension arrear</i>	<i>05.04.2021</i>	<i>2,83,166/-</i>

8. *PARA 7 and 8: - That in reply to these paras it is submitted that there is no delay on the part of the Respondents and the time taken has already been explained in the previous paras. That the delay if any has occurred because of late submission of the Affidavit by the petitioner claiming counting of Work Charge service for the pensionary and retiral benefits.*

9. *PARA 9 - That in reply to this para, as the Work Charge Affidavit was necessary for completion of documents for retiral benefits which was submitted by the petitioner approx. after 5 months from retirement due to which the department was unable to release retiral benefits within time. So actual reason for delay is on part of the*



petitioner himself. Therefore, the petitioner is not entitled to any interest.

10. That further still, the depts vide Order dated 30.08.2024 annexed as Annexure R-1 granted Interest on delayed payments so as to not invite orders from the Hon'ble Court and not to put the Court under any sort of inconvenience. The Affidavit for Work Charge service was given on 16.07.2020 and from there on two months are generally taken for release of the benefits and hence the start point of month is from October and payments were made in March-April 2021 which comes to about six months and according to that, the Interest @ 6% is already released to the petitioned vide Cheque No.590321 dated 19.08.2021 in the name of the petitioner and handed over to the Counsel for the petitioner on the last date which is 20.08.2024.

It is, therefore, prayed to the Hon'ble High Court that the CWP be disposed off as having been rendered infructuous as the claim of the interest is satisfied."

5. It is clear from the averments made in the written statement that the petitioner has given the affidavit counting of his for work charge service on 16.07.2020 and from the said date the Corporation had started the process for releasing the pension and other retiral benefits of the petitioner which should have been released within a period of two months thereafter. However, the same have been released in April, 2021 and the Corporation, after calculating the delay of six months in releasing the pension and other retiral benefits, has already given interest @ 6% amounting to Rs.48,503/-, vide Cheque No.590321 dated 19.08.2021 handed over to the Counsel for the petitioner on the last date of hearing.

6. Since the relief claimed in the present petition has been granted to the petitioner, no further directions are required to be issued to the respondents-Corporation, with regard to interest.



7. However, the facts of the case could not resist this Court to observe that State and its instrumentalities are duty bound to discharge their duty for making payment of retiral dues to its employees in a stipulated period, who gave golden time of their life to the employer. Since the petitioner having unblemished service record and have not been paid his retiral dues timely and was constrained to approach this Court twice for the said purpose is entitled for costs due to lackadaisical approach of the respondent-Corporation, which filed the written statement in the present case after a lapse of more than three years ignoring the importance and effect of the claim of the petitioner, therefore, the respondent-Corporation, is directed to pay Rs.20,000/- as cost of the petitions, to the petitioner, within a period of two months from the date of receipt of certified copy of this order.

8. Disposed of in the above terms.

18.09.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No