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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17574-2021
Date of decision: 24.01.2024

SURESH KUMAR

...Petitioner

VERSUS

HARYANA VIDYUT PRASARAN NIGAM (HVPN) AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B. K. Bagri, Advocate
for the petitioner.

Mr. Dhruv Walia, 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 mandamus directing the respondents to count daily wages services from 09.02.1982 to 01.10.1992 for the purpose of retiral benefit and after counting the daily wages services, the pensionary benefits i.e. gratuity, leave encashment and commutation of pension and arrear of pension be released with 18% interest per annum from the date of his retirement i.e. 31.01.2021.

2. Learned counsel for the petitioner submitted that the petitioner had retired as AFM on 31.01.2021 from the respondent-Nigam and after his retirement i.e. on 22.02.2021, the petitioner requested the respondent-Nigam to count the daily wages service rendered by him from 09.02.1982 to 01.10.1992

for the purpose of pensionary and retiral benefits in accordance with the settled law. He further submitted that thereafter, the respondent-Nigam, who was otherwise also under a legal obligation to have counted the daily wages service in accordance with the settled law kept on delaying the matter and ultimately, the retiral benefits were paid to him on 15.07.2022 and in this way, a delay of about 1½ years has been caused in disbursal of the aforesaid retiral benefits regarding which now his limited prayer is that he may be granted interest on the delayed payment. He referred to a Full Bench judgment of this Court in *A. S. Randhawa versus State of Punjab and others, 1997 (3) SCT 468 (F.B.)* in this regard.

3. On the other hand, Mr. Dhruv Walia, learned counsel for the respondents has filed a short reply on behalf of the respondents in Court today and the same is taken on record. While referring to the aforesaid short reply he submitted that after the retirement of the petitioner, he moved an application for counting the services which he has rendered as a daily wager, which was received on 22.02.2021 and thereafter, the requisite formalities/verification etc. were made and the case of retiral benefits of the petitioner was processed and ultimately, the entire amount was paid to the petitioner on 15.07.2022 and the claim of the petitioner was processed expeditiously and therefore, no interest has been awarded to the petitioner to which he is not entitled.

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

5. The only issue involved in the present case is as to whether the petitioner was entitled for the grant of interest on the delayed payment of retiral benefits or not. The petitioner had retired as AFM on 31.01.2021. The period which the petitioner had rendered as a daily wager was from 09.02.1982 to

01.10.1992 and he retired after large number of years. It was a duty of the respondent-Nigam to have adhered to the settled law and at the time of computation of his pensionary and retiral benefits, the exercise for counting of daily wages service for pensionary benefits ought to have been done by processing the case of pensionary benefits of the petitioner much prior to his retirement. However, admittedly the same was not done and the petitioner had to file an application for the same for which no fault can be attributed to the petitioner and the entire fault has to be attributed to the respondent-Nigam in this regard. There is no other reason for the delay except for the aforesaid reason and therefore, this Court is of the view that the petitioner is entitled to grant of interest on the delayed payment.

6. In view of the above, the present writ petition is partly allowed. The petitioner shall be entitled to grant of interest on the delayed payment of pensionary benefits from the date of his retirement till the date of its disbursal at the rate of 6% per annum. The respondent-Nigam is directed to calculate the aforesaid interest and pay the same to the petitioner within a period of three months from today. In case the aforesaid amount is not paid to the petitioner within the aforesaid period, then the petitioner shall be entitled to future rate of interest @ 9% per annum.

24.01.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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