



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

257

CWP No.24231 of 2018
Date of decision: 21.11.2024

Roshan Lal
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. M.K. Bhatnagar, Advocate
for the petitioner.

Ms. Saguna Arora, AAG, Punjab.

Ms. Sanchita Jain, Advocate
for Mr. A.P. Singh, Advocate
for respondent No.3.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to pay the interest @ 9% per annum to the petitioner on the delayed payment of retiral benefits, which the respondent-department has not paid when it became due.

Short reply by way of affidavit of Gurdas Singh, Executive Officer, Municipal Council, Jaitu, District Faridkot, on behalf of respondent No.3 is already on record, wherein it has been stated as under:-

“2. That the petitioner was aggrieved by the non-payment of certain retiral benefits, and moved this Hon'ble Court in Civil Writ Petition No. 1239 of 2002 which was disposed of



on 22.01.2002. Pursuant thereto, all the retiral benefits of the petitioner which he was entitled to in law were released. These benefits were granted in accordance with the prevailing Punjab Civil Service Rules. It is pertinent to note that the issue of grant of benefits attained finality and this issue was never agitated by the petitioner subsequently.

*3. That subsequently, the Payment of Gratuity Act, 1972 was made applicable to employees of the Department of Local Self Government within the State of Punjab. It is pertinent to note that the petitioner (whose claim relating to retiral benefits had been satisfied in the year 2002 itself) approached this Hon'ble court for grant of additional amount of gratuity which had been enhanced after the coming into force of the Payment of Gratuity Act, 1972. **For the sake of clarification, it is made clear that the petitioner was entitled to Rs. 1,75,543/- as gratuity in terms of the Punjab Civil Services Rules (admittedly paid to the petitioner in 2002), which was enhanced to Rs. 2,17,894/- after the application of the Payment of Gratuity Act, 1972.** The petitioner filed Civil Writ Petition No. 18931 of 2016 before this Hon'ble Court which was disposed of on 14.09.2016 in terms of the order passed in CWP 9297 of 2016. In terms of his entitlement to the enhanced amount payable under the Payment of Gratuity Act, 1972, the additional/balance amount of Rs.42,351/- was paid to the petitioner (on 01.03.2017 and 18.09.2017).*

4. That the petitioner has instituted the present CWP seeking grant of interest on purportedly delayed release of gratuity amount (viz. for the period from 01.08.2001 to 30.9.2017). It is pertinent to note that there was no delay in so far as the grant of retiral benefits is concerned. Rather,



the petitioner was granted enhanced amounts (in terms of the 1972 Act which was made applicable after 2016). Therefore, there is no delay occasioned in the present case, and hence, no delayed interest is liable to be granted.”

Since the gratuity was released to the petitioner in the year 2002 and the revised gratuity of Rs.42,351/- was also released on 01.03.2017 and 18.09.2017 in pursuance to the 2016 Amendment in the Payment of Gratuity Act, therefore, the instant petition has been rendered infructuous.

Disposed of accordingly.

(NAMIT KUMAR)
JUDGE

21.11.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No