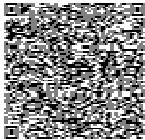


LPA-1779-2019

2024:PHHC:104361-DB



228-a

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

LPA-1779-2019 (O&M)
Date of Decision: August 12, 2024

Punjab State Power Corporation Ltd. and others Appellants

Versus

Mohan Lal Respondent

2.

LPA-1804-2019 (O&M)

Punjab State Power Corporation Ltd. and others Appellants

Versus

Kamaljeet Kaur Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Abhilaksh Grover, Advocate for the appellants.

Mr. Dinesh Maurya, Advocate for the respondent.

LISA GILL, J.

1. This order shall dispose of LPA Nos. 1779 and 1804 of 2019, which are taken up together at request and with consent of learned counsel for parties as both the appeals arise from common impugned order dated 04.04.2019 passed by learned Single Bench.

2. Claim of respondents (writ petitioners) in both the matters was for grant of interest on delayed payment of dues. Husband of petitioner in CWP-

LPA-1779-2019

21701-2016 was pleaded to have been appointed as T-mate on work charge basis on 01.04.1980. His services were regularized as Assistant Lineman on 04.05.2016 but he unfortunately passed away in harness on 17.05.2012. Writ petitioner – Kamaljeet Kaur sought release of benefits in respect to service rendered by her husband. She also deposited sum of Rs.1,81,180/- in terms of letter dated 30.11.2012 asking her to deposit EPF share in question. Despite the said deposit, work charge service of employee was not counted towards computation of retiral dues. She filed CWP-9571 of 2014 which was disposed of on 19.05.2014 directing respondents to decide legal notice within two months. She was even constrained to file a contempt petition as necessary action was not being taken and it is during pendency of COCP-446-2015 filed by her that benefits were released in July/August, 2015. Writ petitioner then claimed interest on delayed release of payment since May, 2012. Same was declined by respondents vide order dated 10.12.2015 which was impugned in the writ petition on the ground that there was no willful delay and that employee at no stage had asked for counting his work charge service towards pensionary benefits. As the work charge service book was incomplete, sufficient time was required to get the same completed. Various clarifications were required due to which delay in release of payment occurred.

3. In CWP-21725-2016, writ petitioner was appointed as T-mate on work charge basis on 20.05.1987, promoted as Feeder on 01.07.1998 with his services being regularized as Assistant Lineman on 04.07.2000. He retired as Assistant Lineman on 28.02.2013 but retiral dues were not released despite deposit of his EPF share. CWP-9556-2014 filed by him was disposed of on 16.05.2014 directing respondents to decide legal notice served by him within a

LPA-1779-2019

period of three months. Said petitioner also filed contempt petition (COCP-440-2015), during pendency of which, benefits were released to him in August, 2015. His claim for interest was declined vide order dated 10.12.2015 on the ground that sufficient time was required for getting the service book of employee completed and finding the amount of EPF Board share from all related offices where he had worked. EPF office had not responded with complete information, therefore, amount could not be released to writ petitioner. Both the writ petitions were dismissed by learned Single Bench while finding that no valid justification has been given for delay except to say that the Department was completing the formalities. Detailed reference has been made to the stand of respondents in both the writ petitions on pages 4 and 5 of impugned order dated 04.04.2019 which requires no reproduction.

4. Learned counsel for appellants is unable to point out any ground whatsoever for interference in the impugned order. It is a settled position that in case of unexplained delay, the employee is entitled to interest on the amount in question. In the given factual matrix it is correctly observed by learned Single Judge that writ petitioners were entitled to interest on delayed payment. It is a settled preposition that pension and retiral benefits are a statutory right of the pensioner. Gainful reference in this regard can be made to a Full Bench judgment of this Court in **A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468**, wherein it has been held as under:-

“ Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would

LPA-1779-2019

not exceed two months front the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.”

5. Learned counsel for appellants is unable to point out any infirmity or irregularity in impugned order dated 04.04.2019 which calls for interference.
6. No other argument has been raised.
7. Consequently, above said appeals are dismissed, impugned order dated 04.04.2019 is upheld.
8. As the matter has been considered and decided on merits, adjudication upon application seeking condonation of delay of 150 days in filing the appeals, is rendered academic.
9. Application(s) are disposed of accordingly.
10. Pending application(s), if any, stand(s) disposed of as well.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

August 12, 2024
Rts

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