

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25545-2022 (O&M)

Date of decision: 24.01.2024

Madhu

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Meena, Advocate for Mr. Amit Arora, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Sarbuland Singh Mann, Advocate for respondent No.3.

NAMIT KUMAR J. (Oral)

CM-13819-CWP-2023

Prayer in the instant application filed under Section 151 of CPC is for placing on record the written statement on behalf of respondent No.3 along with document (Annexure R-1).

Allowed as prayed for subject to all just exceptions.

CWP-25545-2022 (O&M)

1. The present petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the monthly pension, retiral dues including gratuity, leave encashment, GPF, arrears, ACP arrears and other retiral benefits to the petitioner along with interest @ 18% per annum as well as interest on delayed payments from the date of accrual till the date of actual payment.
2. The petitioner retired on 31.01.2022 as Sweeper from Municipal Council, Tarn Taran. The grievance of the petitioner in the writ petition is that although some of the retiral benefits were released, but however, without any interest.
3. On issuance of notice of motion, separate replies have been filed on behalf of respondents No.1 and 2 as well as respondent No.3.

4. In the reply filed by respondents No.1 and 2, it has been stated that the pension for the month of October, 2022 amounting to Rs.30887/- and arrears of pension for the period from the month of February, 2022 to September, 2022 amounting to Rs.236032/- along with pension for the month of November, 2022, was released to the petitioner by transferring the same into the bank account of the petitioner in December, 2022.

5. In reply filed by respondent No.3, the dates of release of various retiral benefits, have been given as under:-

Amount Payable		Amount Paid		
Name of Head	Due Amount	Cheque No.	Date	Amount
Gratuity	10,00,000/-	554446	28.10.2022	2,00,000
Leave Encashment	5,85,470/-	660671	30.01.2023	10,00,000
PF	3,22,825/-	693596	21.02.2023	7,28,295
Total Amount	19,08,295/-	Total		19,08,295

6. The petitioner was paid the arrears of pension in the month of December, 2022 and the gratuity, leave encashment and provident fund was released on 28.10.2022, 30.01.2023 and 21.02.2023, respectively.

7. Learned counsel for the respondents submits that the payment of retiral benefits has been released as early as possible on getting the funds from various sources and delay has occurred only due to poor financial health of the committee.

8. The petitioner is a retired Class IV employee. He has been compelled to approach this Court for release of his pensionary benefits, which have now been released with the intervention of this Court. It is well settled proposition of law that pensionary benefits of an employee is not a bounty and it is the property of the employee. Reference can be made to the judgments in *State of Kerala Vs. M. Padmanabhan : AIR 1985 SC 356*; *D.D. Tewari (D) through LRs Vs. Uttar Haryana Bijli Nitran Nigam Ltd. : 2014(4) S.C.T. 128*; *A.S. Randhawa Vs. State of Punjab (supra)*; *J.S. Cheema Vs. State of Haryana & others : 2014(3) RCR (Civil) 355*; *Manohar Lal Vs. State of Punjab & others : 2016(4) SCT 250*, wherein it has been held that normally payment of retiral benefits should not be delayed for more than 03 months from the date of

retirement and all the benefits should be extended within the aforesaid stipulated period. Further, where there is a considerable delay, pensioner deserves to be compensated by way of grant of interest as per the service rules/ regulations as well as Government instructions issued from time to time and various judgments, referred to above.

9. Financial constraints is no ground to withheld the pensionary benefits of an employee. It was expected from the respondents to release the pensionary benefits immediately on the retirement of the petitioner.

10. Since there is a considerable delay in releasing the pension and other retiral benefits to the petitioner, therefore, she shall be entitled for interest @ 6% per annum from 01.06.2022 till the date of payment in view of the law laid down by the Full Bench judgment of this Court in *A.S. Randhawa’s case (supra)*, which shall be paid to the petitioner within a period of 03 months from today.

11. Disposed of in the aforesaid terms.

(NAMIT KUMAR)

JUDGE

24.01.2024

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No