

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

254

CWP-25848-2022

Date of decision: 04.03.2024

Raghubir Singh

....Petitioner

Versus

The Registrar, Cooperative Societies, Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Tahaf Bains, Advocate for the petitioner.

Ms. Arundhati Kulshreshtha, A.A.G., Punjab.

Mr. Ashwani Prashar, Advocate for respondent No.2.

NAMIT KUMAR J. (Oral)

1. The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus directing the respondents to release the retiral benefits of the petitioner along with interest.

2. On issuance of notice of motion, short reply on behalf of respondent No.2 has been filed, wherein it has been stated as under :-

“2. That the petitioner got retired on 31.3.2019. Financial condition of the Punjab State Cooperative Development Federation Ltd. Chandigarh (in short the PUNCOFED) of it is very poor. Before proceeding further, it is relevant to mention here that there is no government financial assistance to the PUNCOFED and works on its own funds and these funds are generated from the member Unions known as District Cooperative Unions (DCU), wherein the cooperative societies in the state of Punjab contribute towards DCUs as education

fund, which in turn comes to the PUNCOFED and the pay of employees, retiral dues, other expenses of the PUNCOFED are paid from these funds generated by the DCUs.

3. *That so far payment of retiral dues to the petitioner is concerned, in this regard it is submitted that the petitioner was paid Rs.3,00,000.00 out of total Gratuity of Rs.5,06,937.00 in June 2021 vide debit note no. 14 dated 3.6.2021. Remaining gratuity of Rs.2,06,937.00 and leave encashment of Rs.2,66,270.00 has been paid to the petitioner in December 2022. Thus, all the retiral benefits stood paid to the petitioner. So far claim of the petitioner to the interest on the retiral dues is concerned, it is respectfully submitted that the delayed payment to the petitioner is beyond the reasons in control of the PUNCOFED as it is going through very bad financial health and more or less retiral benefits of all the retired employees have been delayed due to this reason. This is not intentional but beyond the control of the PUNCOFED.”*

3. Keeping in view the peculiar facts of the present case, particularly when there is no government financial assistance to respondent No.2 and it works on its own funds which are generated by the Member of the Unions known as District Cooperative Unions, wherein the cooperative societies in the State of Punjab contribute towards District Cooperative Unions as education fund which in turn comes to respondent No.2 and the pay of employees, retiral dues, other expenses of respondent No.2 are paid from these funds generated by the District Cooperative Unions and the fact that the petitioner has retired from the post of Chowkidar, it is considered appropriate to direct the

respondents to grant lump sum amount of Rs.50,000/- as interest on the delayed retiral benefits of the petitioner, which shall be released to the petitioner within a period of two months from the date of receipt of certified copy of this order.

- 4. The present petition is disposed of in the above terms.
- 5. It is made clear that this shall not be treated as precedent in other cases.

04.03.2024
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(NAMIT KUMAR)
JUDGE

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