

CWP-27871 of 2023

2024:PHHC:002451

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-27871 of 2023

Date of decision: 10.01.2024

Darshana

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. Parminder Singh, Advocate,
for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has approached this Court by filing the present writ petition under Articles 226/227 of the Constitution of India seeking directions to the respondents to grant interest @ 18% per annum on the delayed payments of retiral dues of the deceased husband of the petitioner from the date of accrual till the date of actual payment.

2. Learned counsel for the petitioner submits that the husband of the petitioner retired from service on 30.09.2021, however, his retiral benefits have been released after a considerable delay. He further submits that neither any charge-sheet nor any show-cause notice was issued to the deceased husband of the petitioner, therefore, there was no justification to withhold his retiral benefits.

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3. Learned counsel for respondent No.3 has produced calculation sheet with regard to the released retiral benefits of the deceased husband of the petitioner, which reads as under: -

Sr. No.	Amount of payment	Date of payment	Rate of interest	No. of months beyond 3 months of retirement	Interest
1.	2,00,000	1/10/2021	-	-	-
2.	1,00,000	10/12/2021	-	-	-
3.	2,50,000	15/05/2023	3%	16	10000
4.	7,00,000	12/09/2023	3%	20	35000
5.	297259	20/09/2023	3%	20	14863
Total					59863

4. A perusal of the reproduction made above would show that interest only at the rate of 3% per annum has been granted by the Municipal Council, Patti, on the payments at serial No.3 to 5, which have been released after a delay of 16 to 20 months. Since no charge-sheet was pending against the deceased husband of the petitioner, therefore, the action of the respondents in not releasing the retiral benefits is totally illegal and arbitrary and the petitioner is entitled for the grant of interest @ 7% per annum from the date of retirement till payment. Let interest at the rate of 7% per annum on the delayed retiral benefits be released to the petitioner after deducting the interest already paid, within a period of two months from the date of receipt of certified copy of this order.

5. Disposed of in the above terms.

10.01.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No