

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29443-2023 (O&M)

Date of decision: 04.01.2024

Vijay Kumar Sharma

....Petitioner

Versus

Punjab State Power Corporation Limited and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.S. Jaidka, Advocate
and Mr. Abhishek Khullar, Advocate for the petitioner.

NAMIT KUMAR J. (Oral)

The instant petition has been filed by the petitioner under Artcile 226/227 of the Consitution of India, for issuance of a writ in the nature of mandamus, directing the respondents to grant interest @ 9% to the petitioner on the delayed payment of his retiral dues i.e. gratuity, which has been paid to the petitioner on 19.05.2023, amounting to Rs.9,30,307/-.

Learned counsel for the petitioner submits that earlier vide order dated 06.07.2017, a sum of Rs.69,693/- were recovered from the leave encashment of the petitioner, which was impugned by him in CWP No.15823 of 2017, titled as "*Vijay Kumar Sharma vs The Punjab State Power Corporation Limited and others*", in which written statement was filed by the respondent – Corporation and the said writ petition was disposed of being not pressed on 30.05.2022 (Annexure P-3). He further submits that although, the petitioner retired on 30.06.2017, however, the payment of gratuity of Rs.9,30,307/- had been released on 19.05.2023 vide Annexure P-4. He also submits that since no proceedings were pending against the petitioner, therefore the action of the respondent – Corporation in not releasing the amount of gratuity in reasonable time is totally illegal and therefore, the petitioner is entitled to interest on the said amount. He has placed reliance upon the Full Bench judgment of this Court in "*A.S. Randhawa vs State of Punjab*", 1997 (3) SCT 468 and "*Narinder Kumar Sharma vs State of Punjab and others*", 2022(4) SCT 323. He further submits that for

claiming interest on the delayed payment of gratuity, the petitioner has submitted a representation dated 22.08.2023 (Annexure P-5), which is still pending consideration with the respondents and he would be satisfied if some time bound directions be issued to the Managing Director, Punjab State Power Corporation Limited (respondent No.1) to consider and decide the said representation dated 22.08.2023 (Annexure P-5).

Notice of motion.

Ms. Roja Agnihotri, Advocate who is present in the Court accepts notice on behalf of respondents – PSPCL and has not disputed the factual position.

I have heard learned counsel for the parties and perused the paperbook.

Keeping in view the relief claimed in the present petition and without going into the merits of the claim raised in the present petition, the present petition is disposed of with a direction to the Managing Director, Punjab State Power Corporation Limited (respondent No.1) to consider and decide the representation dated 22.08.2023 (Annexure P-5), by passing a well-reasoned speaking order, within a period of 03 months from the date of receipt of certified copy of this order.

(NAMIT KUMAR)
JUDGE

04.01.2024
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No