
(2011) 04 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 14366 of 2008

Kushal Singh

APPELLANT

Vs

HPSEB and Others

RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0122

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Deepak Gupta, J.—The Petitioner, by means of this petition, has prayed that he be granted interest @ p.a. on account of the delayed payment of retirement gratuity.

2. The undisputed facts are that the Petitioner who was working as Superintendent Grade-II, retired on attaining the age of superannuation on 30.11.2002. It is not disputed that 90% of the retirement gratuity was released in favour of the Petitioner pursuant to an order dated 13.10.2003 on Whether reporters of the local papers may be allowed to see the judgment? Yes 2 30.10.2003 and the balance 10% on 23.12.2004. According to the Petitioner, he was not at fault and the Respondents should be burdened with interest for the delayed period.

3. stand of the Board is that the Petitioner, just prior to his retirement, was serving as Superintendent Grade-II and did not pursue his own matter well in time and did not attend to the observations pertaining to the office of R.E. Bassi, Jogindernagar w.e.f. 1.1.1996 till his retirement.

4. Other than making this bald assertion no material has been placed on record to show that the Petitioner was in any manner responsible for delaying the payment of his own retirement gratuity. I fail to understand why a person who is at the verge of retirement would not pursue his own matter. Be that as it may,

the law is well settled that the retirement gratuity should be paid within three months of the retirement of an employee. The Petitioner retired on 30.11.2002 and at best the delay in payment of the retiral benefits could have been till 28.2.2003. There is no justification for the delay thereafter and the Petitioner is entitled for interest on the delayed payment.

5. In view of the above discussion, the writ petition is allowed and the Respondents are directed to pay interest @9% p.a. on the delayed payments from 1st March, 2003 till the payments were actually made. The needful be done latest by 30th September, 2011. No costs.