

(2012) 09 P&H CK 0237
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 226 of 2012 (O and M)

Om Parkash

APPELLANT

Vs

UHBVNL and Others

RESPONDENT

Date of Decision : 18-09-2012

Acts Referred:

Citation : (2013) 3 SCT 649

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Advocate : Ashwani Gaur, for the Appellant; S.K. Hooda, Advocate for Respondent Nos. 1 to 4, for the Respondent

Final Decision : Disposed Off

Judgement

Rakesh Kumar Garg, J.

C.M. No. 12884 of 2012

1. CM is allowed subject to all just exceptions. Written statement filed on behalf of respondents No. 1 to 4 is taken on record.

CWP No. 226 of 2012

2. The petitioner who retired on 31.8.2010 from the service of respondent No. 4 on attaining the age of superannuation has approached this Court, seeking issuance of a writ in the nature of mandamus directing the respondents to release his retiral benefits. It is not in dispute that all the retiral benefits of the petitioner have been released during the pendency of writ petition.

3. It is a matter of record that leave encashment of the petitioner was released on 27.8.2010 and was paid vide cheque No. 724554 dated 1.9.2010 and even the Provident Fund of the petitioner was released on 29.10.2010. However, the amount of gratuity, commutation of pension and arrears of pension have been released only on 25.6.2012.

4. The only submission now made on behalf of the petitioner is that he is also entitled to interest on the amount of gratuity, commutation of pension and arrears of pension as he has been denied the benefit of these amounts without any fault on his part and have been paid after a lapse of about 20 months from his retirement.

5. No justification is forthcoming in the reply of the respondents with regard to the delay caused in releasing the aforesaid amount to the petitioner. Keeping in view the facts and circumstances of the case, this Court is of the view that ends of justice will be served in case the petitioner is granted interest on the amount of gratuity, commutation of pension and arrears of pension at the rate of 6% per annum with effect from the date they were payable till the date of actual realization. The respondents are directed to calculate the amount of interest so accrued to the petitioner and pay the same to him within two months from today.

Disposed of accordingly.