IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26530 of 2014
Date of Decision: 10.03.2016

Virender Kumar ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

Mr. Raman Goklaney, Advocate,
for respondents No.4 & 5.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Additional affidavit dated March 03, 2016 of Jagseer Singh D.E.O. (S.E), Ferozepur filed in Court today. Taken on record. Copy supplied.

2. The petitioner superannuated in 2012 and was disengaged in 2014 after completion of two years service on extensions in terms of the policy of the Government.

3. According to the affidavit, all the amounts claimed have been paid. However, if there is any amount remaining the same shall also be paid after the petitioner furnishes proof of shortfall, if any.

4. The solitary question left for determination is whether the petitioner would be entitled to interest on delayed payments. This matter is

covered by the decision of the Full Bench in **A.S. Randhawa** v. **State of Punjab and others,** 1997(3) SCT 468. Delay in payment of pension and pensionary dues is a serious matter for a retiring or retired employee and it is a right to property and comfort in old age which has been recognized time and again by the Court as a right to property and not a bounty till it was constitutionally protected by Article 300-A of the Constitution of India by shifting the right from Part III.

5. In the Full Bench decision, this Court has commended levy of interest ranging from 12% to 18% depending on the aggravating nature of actions and inactions withholding of money. Given that the decision is rendered about two decades back when interest rates were high the changing interest regime calls for reduction of the range of interest in *Randhawa* case. It would therefore be more appropriate to hold that the State would be liable to pay interest on the delayed payments at the current rate admissible on Fixed Deposit Receipts offered by Nationalized Banks to customers on their investments.

6. The petition is allowed re: interest. The respondents are directed to calculate the element of interest on the defaulted periods from the date of retirement till realization and accordingly make payments within two months from the date of receipt of the certified copy of this order. In case, any dispute still remains unresolved, the petitioner is free to apply for revival of the petition.

(RAJIV NARAIN RAINA)
JUDGE

10.03.2016
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