IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8616 of 2017
Date of Decision : 14.01.2019

Jodh Singh ...**Petitioner**

Versus

State of Punjab and others ...**Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate and
Ms. Anureet Budwal, Advocate for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.
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Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the prayer is for directing the respondents to release all the pensionary benefits alongwith interest @ 18% per annum.

As per the averments made in the writ petition, the petitioner joined service as Vocational Master in the year 1982. He retired as such on 31.12.2015. In para 3 of the writ petition, it has been mentioned that the petitioner was paid certain benefits but some of the benefits were not paid and the petitioner has filed the present writ petition for release of the remaining retiral benefits alongwith interest @ 18% per annum.

Upon notice of motion, reply on behalf of the respondents has been filed today in Court in which it has been stated that all the benefits due to the petitioner including the pension have already released and, therefore, the writ petition has become infructuous. The details of the payments to the petitioner have been given in paras 2, 3 and 4 of the preliminary submissions.

It has been admitted by the respondents that there is a delay in release of the pensionary benefits but it has been stated that the same was not willful but was caused due to the administrative exigency. Counsel for the petitioner argued that administrative exigency has been pointed out in the reply, due to which the payments were released after unexplained delay.

I have heard learned counsel for the parties and have gone through the record including the reply.

The petitioner retired on 31.12.2015. A chart is being given hereunder to depict the date of release of the amount to the petitioner under various heads from which it will be clear that the payments have been delayed starting from six months till more than one and a half year.

Sr. No.	***Name of the Petitioner***	***Date of Joining service***	***Date of Superannuation***	***Date of payment of Pensionary Benefits (Rs.)***
1.	Jodh Singh s/o Jang Singh, P.P.O/AO Punjab 1115043123	18.06.1982	31.12.2015	Gratuity of ₹8,65,657/- paid on 05.07.2016 Balance Gratuity ₹24,321/- paid on 14.6.2017 --- G.P. Fund ₹5,32,755/- paid on 09.03.2016 Leave Encashment ₹3,55,951/- paid on 05.07.2016 GIS ₹33,866/- paid on 26.09.2017 Arrears on account of 14 years ACP ₹23,271/- paid on 13.02.2017 D.A. Arrears ₹13,768/- paid on 31.12.2016 Balance of ₹22,725/- paid on 23.02.2017

The gratuity amount of ₹8,65,657/- was paid on 05.07.2016 and the remaining gratuity of ₹24,321/- was paid on 14.06.2017. Similarly, the provident fund amounting to ₹5,32,755/- was paid on 09.03.2016 and the leave encashment amounting to ₹3,55,951/- was paid on 05.07.2016. The GIS amounting to ₹33,866/- was paid on 26.09.2017. Arrears on account of grant of ACP after 14 years amounting to ₹23,271/- was released on 13.02.2017. Further, arrears on account of Dearness Allowance amounting to ₹13,768/- was released on 31.12.2016 and the balance amount of the arrears of the Dearness Allowance amounting to ₹22,725/- was paid on 23.02.2017.

As no justification has been given for the delay in making the payments, the petitioner becomes entitled for the grant of interest as per the law laid down by a Full Bench of this Court in the case of ***A.S. Randhawa Vs. State of Punjab,*** 1997 (3) SCT 468. As per the Full Bench, the employee is entitled for interest on the delayed payments and the relevant portion of the said judgment is as under :-

> *"Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retirer in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months front the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right*

to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement."

In view of the above, the writ petition is allowed. The petitioner is held entitled for interest @ 9% per annum after the expiry of three months from the date of his retirement i.e. from 01.04.2016 onwards till the actual payments were released to the petitioner.

Let the calculation of interest be done within a period of two months from the date of receipt of copy of this order and the actual payments shall be released to the petitioner within a period of one month thereafter.

The writ petition stands allowed in above terms.

January 14, 2019 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? *Yes*
Whether reportable? *No*