

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

108

CWP-1702-2020

Date of decision : 23<sup>rd</sup> January, 2020

PARAMJIT KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madhav Pokhrel, Advocate  
for the petitioner.

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HARSIMRAN SINGH SETHI, J (ORAL)

Learned counsel for the petitioner argues that the petitioner was compulsorily retired from service vide order dated 16.06.2017 (Annexure P-1) but after the said date, all the benefits for which the petitioner is entitled for, have not been released.

Learned counsel for the petitioner argues that the benefits like General Provident Fund, Leave Encashment, for which the petitioner is entitled for, have not been released so far despite expiry of more than two and a half years after his retirement.

Learned counsel further states that the gratuity to the petitioner was released on 23.08.2018 i.e., after one and a half years of the retirement and the arrears of pension from June 2017 to September 2019 were released on 17.10.2019 and as there is a delay in the release of the gratuity and the pension, the petitioner is entitled for interest on the said delayed payment

keeping in view the law laid by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, wherein, it has been held that the amount for which an employee becomes entitled on account of retiral benefits is to be released within a reasonable time and reasonable time fixed by the Full Bench of in **A.S. Randhawa's case (supra)** is two months from the date of retirement and in case, retiral benefits have been retained by the respondents without any justifiable reason, the employee will be entitled for interest. The relevant paragraph 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 retiree 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 from 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.”*

Further prayer of the petitioner is for issuance of direction to the respondents to release the payment of GPF, Leave Encashment as well as GIS amount, which is being withheld by the respondent that too without any valid reasons, alongwith interest forthwith.

Learned counsel for the petitioner states that for the relief,

which has been claimed in the present writ petition, petitioner has submitted a representation dated 03.12.2019 (Annexure P-4) with the respondents, which is still pending for consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said representation by passing an appropriate speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No.2 is directed to decide the representation dated 03.12.2019 (Annexure P-4) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case, after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Writ petition stands disposed of accordingly.

**(HARSIMRAN SINGH SETHI )**  
**JUDGE**

**23.01.2020**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No