IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11265 of 2016
Date of decision: 12.02.2020

Naresh Kumar .... Petitioner

versus

Chief Executive Officer, Punjab Water Supply and Sewerage Board and others ... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.P. Garg, Advocate for the petitioner.

Mr. V.K. Kaushal, Advocate for respondents No.1 to 5..

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HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim of the petitioner is for the grant of interest on the delayed release of pensionary benefits. Learned counsel for the petitioner argues that the petitioner retired from service on attaining the age of superannuation on 31.01.2016 and at the time of his retirement, there were no proceedings pending against him either departmental or before any competent Court of law, which would entitle the respondents to withhold his pensionary benefits and therefore, as there was no impediment, the petitioner was entitled for the release of his pensionary benefits immediately but, the same were delayed by the respondents beyond the reasonable time.

Learned counsel for the respondents argues that after the petitioner retired from service on 31.01.2016 'No Dues Certificates' from the different offices, where the petitioner had worked during his service career were only received on 04.03.2016 and immediately thereafter, within a period of two months, his pensionary benefits were released. Learned counsel for the respondents argues that payment of gratuity and leave encashment was released to the petitioner on 01.04.2016 and the CPF amount was released on 10.05.2016, therefore the payments were released within a period of two months from the date of finalisation of the process of releasing the pensionary benefits.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The date of releasing the pensionary benefits to the petitioner is not in dispute. Learned counsel for the petitioner argues that the Full Bench of this Court in ***A.S. Randhawa vs. State of Punjab 1997(3) S.C.T. 468*** has held that an employee will be entitled for release of his pensionary benefits within a reasonable time after his retirement and the reasonable time as per the Full Bench is two months and the said time is to be taken from the date of retirement and not from the finalisation of the documents, which was the duty of the respondents. Learned counsel for the petitioner argues that the petitioner was paid his pensionary benefits on 01.04.2016 and remaining benefits on 10.05.2016 and as the said payments were made beyond the period of two months as envisaged by the Full Bench of this Court in **A.S. Randhawa's case (supra)**, therefore, the petitioner is entitled for interest on the delay.

Even if, the contention of the learned counsel for the petitioner is accepted that two months time fixed by the Full Bench is to be taken from the date of retirement, then the payments made on 01.04.2016 are to be treated within a period of two months as the petitioner retired on 31.01.2016. The only claim of the petitioner, which survives is for interest on the delayed payment of CPF, which was made on 10.05.2016 as the said payment was delayed by the period of one month and fifteen days, keeping in view the law laid down by the Full Bench of this Court in **A.S. Randhawa's case (supra).**

Learned counsel for the respondents argues that the time was taken by the respondent-department in obtaining No Dues Certificates, hence, the same needs to be excluded from two months time fixed by the Full Bench of this Court in **A.S. Randhawa's case (supra)**. It was the duty of the respondents to finalise the process of documentation before retirement of the petitioner as process for releasing the pensionary benefits starts prior to the retirement. Delay in obtaining the No Dues Certificates is only attributable to the respondents, for which the petitioner cannot be held liable and, therefore, the claim of the petitioner for the grant of interest from 01.04.2016 till 10.05.2016 on the delayed payment of CPF is allowed

Keeping in view the settled principle of law as stated above, the petitioner is held entitled for grant of interest on the delayed payment of CPF from 01.04.2016 till 10.05.2016 @ 9% per annum.

Let computation of the interest, for which the petitioner is entitled under this order be carried out within a period of three months from the date of receipt of certified copy of this order and the payment so calculated be released to the petitioner within a period of two months thereafter.

The petition stands allowed in the above terms.

(HARSIMRAN SINGH SETHI)
12.02.2020. **JUDGE**
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1. Whether speaking/non-speaking? Yes/No
2. Whether reportable? Yes/No