

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No.21959 of 2015**  
Date of Decision: 13.2.2020

Om Parkash

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. N.S. Bhinder, Advocate, for the petitioner.

Mr. Pankaj Mulwani, Deputy Advocate General, Haryana.

Mr. Harpinder Singh, Advocate for  
Mr. Kanwal Goyal, Advocate, for respondent No.2.

**NIRMALJIT KAUR, J. (Oral)**

Prayer in the present petition for quashing of the order dated 2.3.2015 (Annexure P-11) rejecting the case of the petitioner for grant of interest on the delayed payment of pension gratuity and other retiral benefits w.e.f. 9.8.2010 till the date the same was paid.

Reply has been filed. As per the said reply, the Chairman and all the Members of the Haryana Public Service Commission were under suspension vide order dated 9.8.2008. The Hon'ble Apex Court while deciding the reference before it did not fully exonerate the petitioner as well as the other members. The Hon'ble Apex Court in its advisory jurisdiction judgment dated 12.11.2010 finally set at rest the said reference by holding that the petitioner had adopted non-cooperative attitude and had unduly delayed completion of the enquiry/investigation. It was, therefore, argued by learned State counsel that in these circumstances, the respondents cannot be blamed for the delay in releasing the pensionary benefits.

After hearing learned counsel for the parties, it has emerged that in spite of what the Hon'ble Apex Court may have held while deciding reference, the fact remains that the respondents released the retiral benefits on 18.11.2013, which means that the petitioner was entitled to the release of the said pension if not from the date of the retirement, definitely from the date the reference was decided i.e. 12.11.2010.

The contention of learned State counsel would have had merit, in case, the respondents had not found the petitioner entitled to the release of the retiral benefits and in case the same was kept pending till the decision of the reference, the reference too stood decided on 12.11.2010 but the respondents released the pension as late as on 18.11.2013. There is no explanation as to why the same was not released immediately thereafter. There is not a word mentioned qua the period of delay from 12.11.2010 to 18.11.2013. Thus, the delay, if at all, from 12.11.2010 to 18.11.2013 is at the behest of the respondents.

Further, learned State counsel has pointed out para 8 of the reply, wherein, it is mentioned that the case of the petitioner is not covered with that of A.J. Randhawa's case as A.J. Randhawa was a regular employee, whereas, the petitioner is a retired member of Haryana Public Service Commission.

It is evident that the case of the petitioner with respect to the interest has been decided without application of mind. In case, the respondents are found entitled to the pensionary benefits, then the question whether he was regular employee or otherwise, is of no consequence. Once the post carries the benefits of retirement and the same is delayed, the incumbent is entitled to the interest in case the said pensionary benefits are

delayed.

In view of the above, the present writ petition is allowed. The respondents are directed to pay the interest @ 6% per annum from 12.11.2010 to 18.11.2013 within a period of two months from the receipt of certified copy of this order. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of the said two months.

**(NIRMALJIT KAUR)**  
**JUDGE**

**13.2.2020**  
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|-----------------------------|--------|
| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |