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

246 **CWP-15414-2021**
Date of Decision :11.03.2022

Angoori Devi **..Petitioner**

Versus

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

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Tarun Vir Singh Lehal, Addl. A.G. Punjab.

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<u>Harsimran Singh Sethi, J. (Oral)</u>

Present petition has been filed for issuance of direction to the respondents to release the pensionary benefits of the petitioner alongwith interest.

Learned counsel for the petitioner argues that the petitioner was appointed as Safai Sewak in Municipal Council, Malout and was retired on attaining the age of superannuation on 30.09.2020. Learned counsel for the petitioner submits that despite the fact that at the time of retirement of the petitioner, there was no impediment for the release of pensionary benefits of the petitioner as there were no proceedings either departmental or before any competent Court of law pending against the petitioner so as to give justification to the respondents to withhold his pensionary benefits, hence, a direction be issued to the respondents to release her pensionary benefits in respect of the service rendered by her with respondent No.3 alongwith interest.

Upon notice of motion, respondent-State has filed reply. In para 3 of the reply, the details of amount, which has been released to the petitioner i.e. Rs. 16,42,022/- has been given. Learned State counsel submits that as the amount for which the petitioner was found entitled for as pensionary benefits, has already been released to her, the present petition may kindly be disposed of having been rendered infructuous.

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

It is a conceded position that on the date, when the petitioner attained the age of superannuation and retired, there was no impediment in the release of the pensionary benefits of the petitioner. Nothing has been brought to the notice of this Court by the respondent-State during the course of hearing nor any averment has been made in the written statement that pensionary benefits of the petitioner were withheld by them due to any impediment.

A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, has held that an employee is entitled for the release of his pensionary benefits within a period of two months of his retirement in case there is no impediment. The relevant paragraph of 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."*

Further, a Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of ***J.S. Cheema's case (supra)*** is as under: -

> *"The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it."*

The case of the petitioner is squarely covered by the above said decisions in her favour for the grant of interest on the delayed payment.

Resultantly, the prayer of the petitioner is allowed. Petitioner is held entitled for the interest @ 9% per annum on the payment, which have been released after a delay of two months of her retirement. The petitioner will be entitled for interest from the date her pension became due till the actual payments will be released to her. Let the computation of interest be done by the respondents within a period of two months from the receipt of certified copy of this order and the amount so calculated shall be paid to the petitioner within a period of four weeks thereafter.

The writ petition is allowed in above terms.

March 11, 2022 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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