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

**(217)** **CWP No. 14092 of 2015**
**Date of Decision : 04.07.2022**

**Dr. Sanjiv Sood**

**...Petitioner**

**Versus**

**State of Punjab and others**

**...Respondents**

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. V.K. Shukla, Advocate for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

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

In the present petition, the prayer of the petitioner is for directing the respondents to release the pensionary benefits of the petitioner, which have been withheld despite the fact that the petitioner retired from service on 31.12.2013.

As per the petitioner, there was nothing adverse against the petitioner, which would entitled the respondents to withhold his pensionary benefits hence, according to the petitioner, the respondents were under obligation to release the pensionary benefits of the petitioner forthwith.

After the notice of motion, reply has been filed by the respondents. In the reply, the respondents have submitted that on the date when the petitioner retired, there were disciplinary proceedings pending against the petitioner keeping in view the charge-sheet dated 12.11.2013 and, therefore, certain pensionary benefits were withheld, which was within the jurisdiction of the respondents keeping in view the rules governing the service. The respondents submitted that after an appropriate order on the charge-sheet was passed by the respondents, the benefits have been released to the petitioner.

Learned counsel for the petitioner does not dispute the fact that the benefits for which the petitioner was entitled for in respect of the service rendered by him, have been released to him but submits that the disciplinary proceedings pending against the petitioner attained finality as appropriate order on the said proceedings was passed on 06.02.2019 whereas, the actual benefits were released to the petitioner on 10.12.2019 i.e. after a period of ten months and hence, for the said period of ten months, the petitioner is entitled for interest as there was no impediment in the release of the pensionary benefits.

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

As per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others***, 1997(3) SCT 468, an employee is entitled for the release of the pensionary benefits within a period of two months of retirement in case, there is no impediment, failing which the employee is entitled for the grant of interest. 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."*

Applying the said ratio, wherever the impediment is there, after the said impediment ceases, the pensionary benefits should be released to the employee within a period of two months, failing which the employee is entitled for the grant of interest.

In the present case, it is a conceded position that after 06.02.2019, there was no impediment in the release of the pensionary benefits hence, by 01.04.2019, all the benefits should have been released to the petitioner but as the benefits were released to the petitioner in December, 2019, the petitioner has become entitled for the grant of interest starting from 01.04.2019 onwards till the actual payment made in December, 2019.

Apart from this, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

*"In my opinion, even if the assertion made in the written statement is presumed to be correct it would not disentitle the petitioner for claiming interest. 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."*

Keeping in view the above, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits starting from 01.04.2019 onwards till the actual payment @ 6% per annum. Let the amount of interest under this order be calculated by the respondents within a period of two months of the receipt of copy of this order and the amount so calculated be released to the petitioner within a period of one month thereafter.

Petition is allowed in above terms.

**July 04, 2022** **(HARSIMRAN SINGH SETHI)**
*kanchan* **JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*