

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

CWP No.10104 of 2018

Date of Decision:-23.03.2022

Darshan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. Kannan Malik, AAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The present petition has been filed seeking grant of interest on the delayed release in payment of pensionary benefits.

Learned counsel for the petitioner argues that though the petitioner attained the age of superannuation on 31.10.2016 but the pensionary benefits were released to him in the year 2017 only and that too after certain deductions and as the pensionary benefits were released after a delay of more than two months of retirement, the petitioner is entitled for grant of interest keeping in view the judgment of Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*.

After notice of motion, the respondents have filed the reply, wherein they have defended the action saying that the delay in releasing of pensionary benefits is attributable to the petitioner.

In the reply, it has been mentioned that rather than submitting the pension papers six months prior to the date of retirement, the petitioner only completed the pension papers on 21.9.2019, approximately one month before the retirement and even the pension papers filled by the petitioner were found to be incorrect as the pension papers were filled as per the entries made in the service book, which entries in the service book were found to be incorrect and those entries in the service book were carried out by the petitioner himself, who was the dealing assistant at that time and therefore, as there were incorrect entries in the service book, which were made part of the pension papers, the Accountant General, Punjab had returned the pension papers to be rectified, and after the pension papers were rectified the petitioner was given the pensionary benefits and hence the delay is attributable to the petitioner only and not the respondent-Department.

There is no replication to the written statement filed on behalf of respondents.

Learned counsel for the petitioner submits that as the disputed question of law has been raised to this petition, the petitioner be allowed to withdraw this petition to raise a remedy before the Civil Court to claim interest.

Ordered accordingly.

March 23, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No