IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114+254 **CM-11814-CWP-2022 in/&**
CWP-17017-2020
Date of Decision :08.08.2022

Ved Parkash **...Petitioner**

Versus

Haryana Shehri Vikas Pradhikaran (HSVP)
and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Davinder Punia, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for the respondents.

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Harsimran Singh Sethi, J. (Oral)

CM-11814-CWP-2022

The present application has been filed seeking exemption from appearance of Chief Administrator, Haryana Shehri Vikas Pradhikaran (HSVP), keeping in view the order dated 21.07.2022 passed by this Court.

Keeping in view the facts mentioned in the application, prayer of the applicant is accepted. Chief Administrator, Haryana Shehri Vikas Pradhikaran (HSVP) is granted exemption from appearance before this Court today.

CWP-17017-2020

Learned counsel for the petitioner argues that the prayer of the petitioner is for the release of his pensionary benefits, which were not released to him despite the fact that the petitioner retired from service on attaining the age of superannuation on 31.08.2018.

After notice of motion, the respondents have filed reply, wherein, the details have been given that the pensionary benefits admissible to the petitioner were released to him and order of releasing the said benefits have been appended as Annexures R-1 to R-3 with the reply filed by the respondents.

I have gone through the pleadings with the able assistance of the learned counsel for the parties.

The petitioner retired from service on attaining the age of superannuation on 31.08.2018. 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 his/her pensionary benefits within a period of two months of his/her retirement in case there is no impediment in the release of the same, failing which, the employee is entitled for the grant of interest on the said delayed release of the payment. 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."*

In the present case, nothing has been brought to the notice of this Court, as to why, the benefits admissible to the petitioner were not released by the respondents within a period of two months. No impediment has been brought to the notice of this Court by the respondents which would justify the withholding of the pensionary benefits admissible to the petitioner. Hence, the delay in the release of the pensionary benefits of the petitioner is attributable to the respondents only, for which, the petitioner needs to be compensated by way of grant of interest on the said delayed release of the pensionary benefits admissible to the petitioner.

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 his favour for the grant of interest on the delayed release of the pensionary benefits admissible to him.

Hence, the petitioner is held entitled for interest @ 6% per annum on the payments, which have been released to him after the delay of two months of his retirement from the date the amount became due till the actual payments have been released to him.

Let the computation of interest be done by the respondents within a period of two months from the date of receipt of 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.

August 08, 2022 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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