IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-21028-2019
Date of decision: - 01.04.2022

GURPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sher Singh, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

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HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed for the grant of pension on the delayed release of the pensionary benefits keeping in view the judgment of the Full Bench of this Court in ***"A.S. Randhawa Vs. State of Punjab and others", 1997 (3) SCT 468.***

Learned counsel for the petitioner argues that the petitioner retired on attaining the age of superannuation on 31.01.2017 and at the time when the petitioner retired, there was no impediment in the release of the pensionary benefits as there were no proceedings pending either before the department or before any competent Court of law, which will give jurisdiction to the respondents to withhold the pensionary benefits. Learned counsel for the petitioner submits that despite the fact that there was no impediment, the pensionary benefits have been released after inordinate delay and keeping in view the judgment of the Full Bench of this Court in ***"A.S. Randhawa 's*** case (supra) wherein it has been held that in case, that employee is entitled for the release of pensionary benefits within a period of two months of the retirement in case, there is no impediment, failing which, the entire employee would be entitled for interest, hence the petitioner may kindly be granted interest on the delayed release of the pensionary benefits.

Upon notice of motion the respondents have filed the reply wherein, in paragraph 2 of the preliminary submission, the amount paid under various heads as pensionary benefits have been detailed alongwith the date of the release of the amount. Learned counsel submits that as all the benefits were released to the petitioner within a period of 09 months of the retirement, the petitioner is not entitled for the grant of interest as the delay, which has occurred is only due to the procedure envisaged and the said delay is not intentional.

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

It is a settled principle of law that an employee is entitled for the release of the pensionary benefits sought after the retirement that is why, the pension papers are submitted 06 months prior to the retirement so that, the employee after the retirement does not suffer financial difficulty.

In the present case, keeping in view the said aspect, in ***"A.S. Randhawa's*** case (supra) the Full Bench of this Court held that the pensionary benefits are to be released within a period of 02 months from the date of retirement in case there is no impediment failing which, the employee will be entitled for the grant of interest. The relevant paragraph is as under:-

“ - x - x - x -

8. 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 from 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. ...

- x - x - x -”

Further, a co-ordinate Bench of this Court in **CWP-15867-2001** titled as ***“J.S. Cheema Vs. State of Haryana and others”***, has held that where an amount belonging to an employee has been retained by a department and dues, the employees becomes entitled for the grant of interest in case, the amount retained was without any valid justification. The relevant paragraph is as under:-

“ x -- x -- x

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 laying 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.*
>
> *x -- x -- x"*

In the present case, nothing has been brought to the notice of this Court, which will give jurisdiction to the respondents to withhold the pensionary benefits. Concededly, the delay in release of the pensionary benefits is more than 02 months of the date of retirement. That being so, the petitioner becomes entitled for the grant interest keeping in view the settled principle of law cited hereinabove.

Accordingly, the claim of the petitioner is allowed for the grant of interest on the delayed release on the pensionary benefits starting from 01.04.2017 onwards till the payments were made under various heads @ 6% per annum.

Let the calculation under this order be done by the respondents within a period of two months of the receipt of the copy of this order and the amount so calculated be released to the petitioner within a period of one month thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

01.04.2022
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Whether reasoned/speaking? Yes
Whether reportable? No