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

**(256)** **CWP-25296-2018**
**Date of Decision : July 04, 2022**

**Baldev Krishan** **.. Petitioner**

**Versus**

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

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

Present: Mr. Khushkaran Kumar, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Parminder Singh, Advocate, for
Mr. Vikas Singh, Advocate, for respondent No.4.

**HARSIMRAN SINGH SETHI J. (ORAL)**

Present petition has been filed for the release of the pensionary benefits of the petitioner along with interest.

Learned counsel for the petitioner submits that the petitioner superannuated from the service on 31.08.2017 but the pensionary benefits of the petitioner were not released to him as per the directions of the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others*****,** ***1997(3) SCT 468*****,** according to which, an employee is entitled for the release of the pensionary benefits within a period of two months of the retirement in case, there is no impediment, failing which the employee is entitled for the grant of interest.

Learned counsel for the respondents submits that all the benefits for which the petitioner was found entitled for, have already been released to him, the details of which have been given in paragraph 2 of the short reply filed.

Learned counsel for the petitioner submits that though the payments have been released to the petitioner but the same have been released after a delay and therefore, the petitioner is entitled for the grant of interest as per the judgment of the Full Bench of this Court in ***A.S. Randhawa's case (supra)***.

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

As per the judgment of the Full Bench of this Court in ***A.S. Randhawa's case (supra),*** an employee is entitled for the release of the pensionary benefits within a period of two months of the 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."*

In the present case, no impediment has been brought to the notice of this Court, due to which the respondents have withheld the pensionary benefits of the petitioner, hence, the respondents were under an obligation to release the pensionary benefits of the petitioner within a period of two months of the retirement whereas, as per the short reply filed by the respondents, the pensionary benefits were released starting from August, 2018 onwards till July, 2020.

Once, there was no impediment and there is a delay, the same is attributable to the respondents and the claim of the petitioner is squarely covered by the judgment of the Full Bench of this Court in ***A.S. Randhawa's case (supra)***.

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 prayer of the petitioner for the grant of interest is allowed. The petitioner is held entitled for the grant of interest @ 6% per annum from the date the amount became due till the actual payments were released. 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.

The present writ petition is allowed in above terms.

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

Whether speaking/reasoned : Yes
Whether reportable : No