

239

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-27780-2018

Date of Decision: 16.03.2022

Krishan Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madan Pal, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, prayer of the petitioner is that his pensionary benefits were released after a delay, and therefore, the petitioner is entitled for the grant of interest on the said delayed release of payments. Further prayer of the petitioner is that even on the delayed release of the medical reimbursement to him, he should be paid interest by the respondents.

Learned counsel for the petitioner submits that keeping in view the judgment of the Hon'ble Supreme Court of India with regard to the fact that employee is not entitled to interest for delayed release of medical reimbursement passed in "*Om Prakash Gargi Vs. State of Punjab and others*", 1996(11) SCC 399,, the petitioner is not pressing his claim for the grant of interest on the medical reimbursement bill.

Learned counsel for the petitioner argues that on the delayed release of the pensionary benefits to the petitioner, he may kindly be granted

the interest, keeping in view the judgment of Full Bench of this Court passed in “A.S. Randhawa Vs. State of Punjab and others”, 1997(3) SCT 468, according to which, an employee is entitled for the grant of interest in case the pensionary benefits are not released to him within a period of two months from the date of his retirement, in case there is no impediment. Learned counsel for the petitioner further submits that as in the present case, there was no impediment, still there is a delay in release of the pensionary benefits to the petitioner, therefore, he may kindly be extended the benefit of interest on the said delayed payment.

Upon notice of motion, the respondents have filed their reply, wherein it has been stated that the petitioner retired from services on 31.01.2016 and as per the Rules, the petitioner is liable to submit his pension papers six months prior to his retirement, whereas in the present case, the petitioner submitted his pension papers only on 03.10.2016, i.e. after nine months of his retirement, and therefore, the delay in release of the pensionary benefits is attributable to the petitioner only, and not to the respondents.

Learned counsel for the petitioner submits that as the pay of the petitioner was not being fixed correctly by the respondents, therefore, the petitioner submitted his pension papers in October, 2016 only.

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

For the grant of interest on the delayed pensionary benefits to the petitioner, the finding has to be recorded that the respondents were liable for the said delay. In the present case, it is a conceded position that the petitioner submitted his pension papers nine months after his retirement, whereas those

pension papers were supposed to be submitted six months prior to the date of his retirement. That being so, the delay in submitting the papers is entirely upon the petitioner. Once the pension papers have been submitted after nine months of the retirement, it is only after the submission of those papers that case of the petitioner for the grant of pension is to be processed by the concerned authorities, which takes time.

That being so, the delay which has occurred in the present case in the release of pensionary benefits of the petitioner cannot be attributed to the respondents so as to grant the petitioner the interest as being claimed by him in the present petition.

In the facts and circumstances of the present case, no ground is made out for the grant of interest on the pensionary benefits to the petitioner.

Dismissed.

16.03.2022*Bhumika***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned:	Yes
2. Whether reportable:	No