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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-9898-2016
Date of Decision: 04.07.2022

Om Parkash Garg

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Verma, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

Mr. Padamkant Dwivedi, Advocate,
for respondents No.3 and 4.

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HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for the grant of interest on the delayed release of pensionary benefits to the petitioner by the respondents, after the petitioner got retired from the services of the respondent-Department on 31.08.2013.

Learned counsel for the petitioner argues that initially the petitioner was appointed as Clerk in the Government Girls High School, Ratia (Fatehabad) on 01.08.1979 and thereafter, he joined the Police Department, Haryana, as a Clerk on 25.02.1982. Learned counsel further argues that subsequently, the petitioner was absorbed by the Haryana State Agriculture Marketing Board as Assistant on 02.04.2004, from which service, the petitioner ultimately got retired upon attaining the age of superannuation, i.e. on 31.08.2013.

Learned counsel for the petitioner submits that there was a dispute between the aforesaid Departments with regard to the release of pensionary benefits to the petitioner and the actual sufferer of the said dispute was the petitioner alone, as despite the fact that the petitioner got retired on 31.08.2013, still his pensionary benefits, in respect of the services rendered by him with the respondent-Department, were not released to him within the stipulated period of two months of his retirement.

Learned counsel for the petitioner further submits that keeping in view the judgment of the Full Bench of this Court passed in ***"A.S. Randhawa Vs. State of Punjab and others", 1997(3) SCT 468***, the petitioner is entitled for the grant of interest on the delayed release of pensionary benefits to him by the respondents.

Upon notice of motion, the respondents have filed the reply, wherein they have blamed each other for the delay that has occurred in releasing the pensionary benefits to the petitioner. Respondents No.1 and 2/State have mentioned that whatever the *pro rata* contribution was to be made by the State, the same was given to the Board concerned by the State for further transmission to the petitioner, but respondent No.3/Board has submitted that as the said contribution from the State was received late by the Board concerned, therefore, the same led to further delay in the disbursal of the pensionary benefits to the petitioner.

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

It is not a disputed fact that the petitioner was entitled for the release of pensionary benefits to him by the respondent-Board within a period of two months from the date of his retirement, i.e. 31.08.2013, as there was no impediment in releasing the said pensionary benefits to the petitioner by the respondent-Board. The release of said pensionary benefits to the petitioner was delayed due to a dispute between the respondents themselves. Be that as it may, the petitioner cannot be caused prejudice for an internal dispute between the respondents. The petitioner suffered prejudice as he did not receive his pensionary benefits within the stipulated time frame as mentioned in **A.S. Randhawa's case** (supra), wherein it has been stated that an employee, who has not been released the pensionary benefits within a period of two months from superannuation, if there is no impediment in releasing the said pensionary benefits to him/her, becomes entitled for the grant of interest for the delay in releasing of the pensionary benefits. The relevant paragraph of the said judgment is as under:-

> *“ - x - x -*
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> *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. ...*
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> *- x - x -”*

Keeping in view the above, it is clear that the pensionary benefits of the petitioner were withheld by the respondents without any valid jurisdiction hence in order to compensate the delay that occurred in releasing the said pensionary benefits to the petitioner, which is totally attributable upon the respondents themselves, the petitioner is held entitled for the grant of interest on the said delayed release of the pensionary benefits to him by the respondents at the rate of 6% per annum from the date the said benefits became due till the date of actual payment of the same to the petitioner.

Let the computation of interest, for which the petitioner becomes entitled for under this order, be carried out within a period of two months from the date of receipt of the copy of this order and the interest so calculated be paid to the petitioner within a period of one month thereafter.

With regard to the liability, firstly respondent No.3-Board shall pay the interest plus any other outstanding amount to the petitioner, as he got retired from the service of the said respondent-Board. In case, respondent No.3-Board feels that it has a right to recover the said interest from the Government, the said respondent-Board will have full liberty to do so by approaching the Government in this regard.

Allowed in the above terms.

04.07.2022 **(HARSIMRAN SINGH SETHI)**
Apurva **JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : No