

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.246

CWP No.21456 of 2020

Date of Decision: 13.07.2022

Bishan Singh

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. R.S.Budhwar, Addl. A.G.Haryana.

Mr. Tanvir Singh Attariwala, Advocate
for respondents No.2 to 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

Mr. Tanvir Singh Attariwala, Advocate has put in appearance on behalf of respondents No.2 to 4 by filing vakalatnama, which is taken on record.

In the present petition, the grievance of the petitioner is that though, the petitioner has retired from service on attaining the age of superannuation on 31.01.2020 but the pensionary benefits admissible to him have not been released to him by the respondents. The prayer of the petitioner is for issuance of appropriate directions to the respondents to release the pensionary benefits along with interest.

After notice of motion, respondents have filed a short reply, which is taken on record and it has been mentioned therein that the petitioner had availed leave on various occasions without sanction, which leaves were yet to be regularized and hence, there was a delay in the release of the pensionary benefits but now, all the benefits admissible to the petitioner

have already been released and therefore, the present petition has been rendered infructuous.

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

The only question left to be decided in the present petition is whether in the facts and circumstances of the present case, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits. Concededly, the leaves which have been regularized by the respondents now, were availed by the petitioner much prior to the date of his retirement. It was upon the respondents to pass an appropriate order, which order the respondents chose to pass after the retirement of the petitioner. The petitioner can not be blamed for the same as the respondents have delayed the regularization of the leave availed by the petitioner which issue remained pending consideration with respondents since 1997. In the facts and circumstances of this case, the ground which has been given by the respondents to withhold the pensionary benefits of the petitioner is not a valid impediment, which would curtail the right of the petitioner to seek interest.

As per the judgment of Hon'ble Full Bench of this Court rendered in the case of **A.S. Randhawa Vs. State of Punjab and others**, **1997(3) SCT 468**, wherein it has been held that an employee is entitled for the release of pensionary benefits within a period of two months of retirement, in case there is no impediment, failing which the employee is entitled for the grant of interest on the delayed release of the said benefits.

The relevant paragraph No.8 of the said judgment reads as under:-

“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 retiree 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.”

In the present case, there was no valid impediment in the release of the pensionary benefits to the petitioner and the delay, which has occurred, is attributable to the respondents, hence, the petitioner is entitled for the grant of interest on the delayed release of pensionary benefits, which is assessed @6% per annum from the date the amount became due till the actual release of the same.

Let the interest be computed under this order within a period of two months from the receipt of copy of the same and the said interest be released to the petitioner within a period of one month thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

13.07.2022
Maninder

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