IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.231 **CWP No.7318 of 2017**
Date of Decision: 20.05.2022

Gurumit Singh .... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

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<u>HARSIMRAN SINGH SETHI, J. (ORAL)</u>

In the present petition, the grievance of the petitioner is that the pensionary benefits admissible to the petitioner were delayed by the respondents, hence, the petitioner has become entitled for the grant of interest on the delayed payments.

As per the averments made in the petition, the petitioner retired from service on attaining the age of superannuation on 31.07.2015 and the pensionary benefits were released to him from October, 2015 onwards till July, 2016, details of which have been given in the paragraph 5 of the petition.

Learned counsel submits that as the delay in the release of his pensionary benefits is more than two months and the said payments were delayed without there being any impediment, the petitioner is entitled for the grant of interest keeping in view the settled principles of law.

After notice of motion, the respondents have filed the reply, wherein the respondents have stated that the delay is only procedural one and not intentional and therefore, the petitioner is not entitled for the grant of interest.

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

The law with regard to the grant of interest on the delayed release of pensionary benefits stands settled by the Hon'ble Full Bench of this Court in the case of ***A.S.Randhawa versus State of Punjab; 1997 (3) SCT 468***. According to the said judgment, an employee is entitled for the release of pensionary benefits within a period of two months of his retirement, in case there is no impediment, failing which, the employee is entitled for the grant of interest. The relevant paragraph 8 of the said judgment reads 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 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, the delay is more than two months and no impediment has been cited in the reply to justify the said delay except the one that the delay is procedural one, which ground can not be accepted.

Further, a Coordinate Bench of this Court in ***CWP-15867-2001*** titled as ***J.S. Cheema Vs. State of Haryana and others***, decided on 20.11.2013, has held that where an amount belonging to an employee has been retained and used by the department, the employee becomes entitled for the grant of interest on the said amount. The relevant paragraph 5 of the said judgment reads 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 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.*"

In the present case, the respondents retained the amount belonging to the petitioner for a sufficient long period, hence, keeping in view the ***J.S.Cheema (supra)*** as also the settled principles of law in this regard, the petitioner is entitled for the grant of interest.

Keeping in view the facts and circumstances of this case coupled with the settled principles of law cited hereinbefore, the present petition is allowed and the petitioner is held entitled for the grant of interest @6% per annum on the delayed release of the pensionary benefits from the date from which the amount is due till the actual disbursement of the same.

Let the computation of interest under this order be done by the respondents within a period of two months of the receipt of a 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

20.05.2022
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes