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

(233) **CWP No. 7566 of 2017**
Date of Decision : 10.05.2022

Chaman Lal Gupta **...Petitioner**

Versus

State of Haryana and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ivneet Singh Pabla, Advocate for the petitioner.

Mr. Narender Singh Behgal, A.A.G., Haryana.

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Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for issuance of a direction to the respondents to release his pensionary benefits, which were being withheld by the respondents despite the fact that he retired from service on attaining the age of superannuation on 30.06.2015.

As per the facts mentioned in the petition, there was no charge-sheet pending against the petitioner at the time of the retirement but still, respondents in anticipation of initiating the disciplinary proceedings, withheld the pensionary benefits but no disciplinary proceeding was ever initiated against the petitioner. Learned counsel for the petitioner submits that feeling aggrieved against the action of the respondents in not releasing the pensionary benefits, the petitioner filed the present petition and the pendency of the present petition, on 18.09.2017 the pensionary benefits were released to the petitioner. Learned counsel for the petitioner submits that as there is a delay of more than two years in the release of the pensionary benefits, the petitioner is entitled for the grant of interest.

After notice of motion, the respondents have filed the reply, wherein, they have stated that as there were certain shortages, the respondent-department was proposing to initiate disciplinary proceedings against the petitioner but actually, no such action was taken and ultimately, the benefits have already been released to the petitioner and, therefore, the prayer of the petitioner for the grant of interest may kindly be declined.

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

As per the settled principle of law settled by a Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468,** 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 interest. The relevant paragraph of the 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."

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."

In the present case, despite there not being any valid justification, the pensionary benefits of the petitioner were withheld and the delay in release of the pensionary benefits is attributable to the respondents themselves only, which has entitled the petitioner the grant of interest @ 6% per annum from the date the pensionary benefits became due till the release of the same. Ordered accordingly.

Let the computation of interest under this order be done 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.

Petition is allowed in above terms.

May 10, 2022 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes