IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(255) **CWP No. 483 of 2023**
Date of Decision : 04.09.2023

Gulab Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranjit Singh Ghuman, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

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Harsimran Singh Sethi J. (Oral)

The present petition has been filed with a prayer that the petitioner has already retired on attaining the age of superannuation from the post of General Manager on 30.06.2022 but his pensionary as well as retiral benefits have not been released despite the fact that more than one year has elapsed. The prayer of the petitioner is for issuance of a direction to the respondents to release the pensionary benefits forthwith along with arrears and interest.

Today, a short reply dated 01.09.2023 has been filed by the respondents, wherein, the respondents have stated that the directions have already been issued to the Accountant General, Haryana on 29.08.2023 to release the pensionary benefits of the petitioner starting from 01.07.2022

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and a copy of the same has been appended with the reply as Annexure R-1. Learned counsel for the respondents submits that the further action for approval for the release of the pensionary benefits is to be taken by the Accountant General, Haryana.

Learned counsel for the petitioner submits that the petitioner has not been paid any financial benefits upon retirement and is suffering, hence, Accountant General, Haryana be directed to grant the required approval for the release of the pensionary benefits of the petitioner in a time bound manner so that petitioner does not suffer any further.

Learned counsel for the petitioner further submits that as the pensionary benefits have been withheld without any valid justification and now the respondents themselves have decided to release the same after a period of one year and three months, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

Learned counsel for the respondents, on the other hand, submits that in the present case, an allegation was made by an employee, namely Surinder Singh that some criminal proceedings were initiated against the said employee at the instance of the petitioner, though the said allegations have been found to be incorrect now and it was only due to the fact that said allegations were pending consideration with the Vigilance Department, the benefits of the petitioner were withheld, hence, petitioner is not entitled for any interest.

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

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In the present petition, it is a conceded position that there were no proceedings pending against the petitioner either before the Department or before any Competent Court of Law so as to give jurisdiction to the respondents to withhold the pensionary benefits of the petitioner. The only reason given is that there was a complaint filed against the petitioner by an employee that he was wrongly involved in a criminal case by the petitioner. Said reason is not a good ground to withhold the pensionary benefits of the petitioner. Even otherwise, as per the reply filed, the said complaint has been filed after enquiry into the same, hence, without there being any impediment, the pensionary benefits admissible to the petitioner were stopped by the respondents.

A Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468,** has held that where there is an inordinate delay and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of 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*

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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: -

"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."

Keeping in view the above, the claim of the petitioner for the grant of interest is valid as per the facts and circumstances of the present case coupled with the settled principles of law noticed here-in-before, petitioner is held entitled for interest @ 6% per annum from the date the pensionary benefits became due till the actual release of the same.

As the petitioner has already suffered a lot, the Accountant General, Haryana is directed to complete all the formalities required for the release of the pensionary benefits within a period of four weeks from

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the receipt of certified copy of this order so that pensionary benefits of the petitioner could be released at the earliest.

Petition is allowed in above terms.

September 04, 2023 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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