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

(271) **CWP No. 5390 of 2023**
Date of Decision : 20.09.2023

Dr. Joginder Singh Budhwar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Himanshu Bansal, Advocate for the petitioner.

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

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Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that he has already retired and the retiral benefits such as leave encashment and LTC were not released to him, hence, he is entitled for released of the retiral benefits along with interest on the delayed release of said benefits.

2. As per the averments made in the petition, the petitioner retired on attaining the age of superannuation on 31.07.2022 but all the retiral benefits were not released to him immediately. As per the petitioner, the benefits of leave encashment and LTC were not released to him despite the entitlement, hence, the prayer of the petitioner is for the release of the said benefits along with interest.

3. In the reply, the respondents have submitted that all the retiral benefits have already been released to the petitioner now. As per the respondents, the delay in releasing the certain benefits was due to

discrepancy in the calculation of the retial benefits for which the petitioner was entitled for and upon rectifying the said discrepancy, the benefits have already been released.

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

5. Once, there was no impediment in release of the benefits after the retirement of the petitioner, the same should have been released to the petitioner within a period of two months, whereas certain benefits were released to the petitioner after the said period, hence, keeping in view the settled principle of law settled by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468,** the petitioner becomes entitled for the interest on the delayed release of the pensionary benefits. 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 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."*

6. 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 and used 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."*

7. Keeping in view the above, the retiral benefits which have been released after a delay of two months, the petitioner is held entitled for interest @ 6% per annum w.e.f. 01.10.2022 onwards till the actual release of the same. Let the respondents calculate the interest for which the petitioner has been entitled for under this order and the same be released to him within a period of two months from the receipt of certified copy of this order.

8. Petition is allowed in above terms.

September 20, 2023 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

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