IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

236 **CWP-7843 of 2020**
Date of Decision:11.01.2023

Parminder Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Chauhan, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. I. S. Sidhu, Advocate,
for respondent No. 5.

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JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India, with a prayer for issuance of a writ in the nature of *mandamus* directing the respondents to grant the retiral benefits to the petitioner, including pension, commuted pension, gratuity, arrears of D.A. and other benefits alongwith interest at the rate of 9% per annum.

Learned counsel for the petitioner has submitted that the petitioner retired as a Junior Technician on 30.04.2019 from the Government of Punjab and this retirement was in the nature of voluntary retirement in accordance with law. Thereafter, the respondent State did not release the retirement benefits of the petitioner. On 07.05.2019 he filed a representation for grant of 4 years step up as well and the same was sanctioned by the competent authority on 08.07.2019 within a period of two months. During the pendency of the present petition, all the retiral benefits of the petitioner has been released on 21.02.2021. He submitted that only cause of action which survives in the present case is pertaining to the grant of interest for the delayed payment. He submitted that the delay from 30.04.2019 till 21.02.2021 has been caused at the hands of the respondent department and due to no fault of the petitioner and he is also relied upon a Full Bench judgment of this Court in **A.S. Randhawa verus State of Punjab and others** 1997(3) SCT 468.

On the othand hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted while referring to the affidavit filed by the State that it is correct that now during the pendency of the present petition, the retiral benefits of the petitioner has been released on 21.02.2021. She has however submitted that the delay was caused because of two reasons. Firstly, with the petitioner had made a representation for grant of ACP but the same was decided and sanctioned within a period of two months and secondly the State had sent the case to the office of the Accountant General, Punjab (respondent No. 5) who had raised certain objections and thereafter the file was re-sent for second time and some objections were raised and ultimately the retiral benefits of the petitioner were paid to him after removing the objections. She submitted that the delay if any has been caused at the hands of the Accountant General and not by the State.

Mr. Sidhu, learned counsel appearing on behalf of respondent No.5-Accountant General submitted while referring to the affidavit filed by the Accountant General that the pension sanction authority of the petitioner is the State of Punjab which submitted the pension case of the petitioner vide letter dated 19.07.2019 which was itself after the period of three months from the date of retirement. However, the office of the Accountant General returned the case with some observation on 30.08.2019 promptly. Thereafter, the case of the petitioner was resubmitted again by the State on 23.01.2020 and it was again not complete and it was again sent to the State on 05.03.2020 which was also done promptly. Thereafter, the pension case of the petitioner was again resubmitted on 28.05.2020 and the office of the Accountant General authorised the payment of the pensionary benefits vide letter dated 01.10.2020. He submitted that even thereafter also there had been a delay of about four months in disbursement of the retiral benefits and there was no fault at the hands of the Accountant General because the pension case which was sent to the office of the Accountant General was not complete in all respects and therefore it was the duty of the Accountant General to have raised objections which were later on removed twice by the State department.

I have heard the learned counsel for the parties.

It is a case where the prayer of the petitioner is for the grant of pensionary benefits to the petitioner as he retired on 30.04.2019. However, during the pendency of the present petition, the retiral benefits have admittedly been paid to the petitioner on 21.02.2021. The only issue which survives for consideration in the present case is with regard to grant of interest for the delayed payment. From the submissions made by the learned State counsel and the learned counsel appearing on behalf of the Accountant General as well as the perusal of the reply filed by both the respondents, it is clear that the delay has been caused not because of the petitioner but because of the inter-department communication wherein twice objections were raised by the

Accountant General and immediately the file was sent to the State department and it was for the third time when it was submitted that the case file was approved by the Accountant General and thereafter the disbursement of the amount was paid. Therefore, it can be seen that the petitioner was not at fault for the delayed payments. The inter departmental communication between the State department and the Accountant General itself cannot become a ground for denial of interest to the petitioner. The reliance made by the learned counsel for the petitioner in Full Bench judgment in ***Randhawa's*** case (supra) is well placed.

In view of the aforesaid position, the present petition is partly allowed. The petitioner shall be entitled for the interest at the rate of 6% per annum on delayed retiral benefits from the date of its acrual till the date of disbursement by the respondents No.1 to 4. The interest shall be paid within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

January 11, 2023
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Whether speaking : Yes/No
Whether reportable : Yes/No