

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16265 of 2022

Date of Decision:21.02.2023

Harpreet Singh

....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ranjivan Singh, Advocate,
for petitioner.

Ms. Ambika Bedi, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay the interest to the petitioner @12% per annum on the unjustified delayed payments on the due retiral/pensionary benefits with effect from 01.12.2020, i.e. immediately after the retirement of the petitioner in view of the ratio of Full Bench judgment of this Court in **A.S. Randhawa versus State of Punjab and others** 1997(3) SCT 468 and also to pay the benefit of revised pay as well as pension with effect from 01.01.2016.

Learned counsel for the petitioner while referring to the table which he has reproduced in paragraph No.9 of the petition to contend that the DCRG, commutation of pension and arrear of pension were paid to the petitioner on 10.08.2021 despite the fact that the petitioner had retired on

30.11.2020 and there has been a delay of more than 8 months. He submitted that it is not a case that some delay was caused on the part of the petitioner but in fact much prior to his retirement, his pension file was submitted and rather on 10.07.2020 the same was sent by the competent authority to the office of the Accountant General, Punjab which was well in time and therefore there was no justification for the respondent State to have delayed the payment at the time when the petitioner had retired nor any justification has come forward from the State in this regard and therefore he is entitled for the interest on the aforesaid delayed payment.

He submitted that his second grievance is that the pay and pension of the Government employees have been revised with effect from 01.01.2016 but arrears of the same have not been paid to the petitioner. He submitted that however the stand of the respondent State is that the same has been sent to the Accountant General department and it can be paid only in due course. He submitted that so far as the aforesaid amount of arrears of revised pay and pension is concerned, it appears to be a policy decision of the State of Punjab affecting lacs of employees and therefore he may be permitted to press his case before the concerned authorities by filing a separate comprehensive representation to the authorities concerned and for that purpose liberty may be granted to him and therefore at present at this stage his prayer is confined only for the grant of retiral benefits and liberty may also be granted to him in case the State does not give the revised pay and pension within a reasonable time then he may be permitted to file a fresh petition in this regard.

On the other hand, Ms. Ambika Bedi, learned AAG, Punjab has submitted that she has no objection in case the petitioner is granted liberty to

pursue his prayer with regard to the revised pay and pension and in case the petitioner files a comprehensive representation or any other kind of legal notice etc. then the same will be considered and decided in due course. She submitted that so far as the payment of retiral benefits to the petitioner is concerned, most of them were paid to him within time and so far as the time of 8 months' delay is concerned, the petitioner cannot be granted the interest since it was only time taken in due course for the movement of file.

I have heard the learned counsel for the parties.

So far as the grievance of the petitioner with regard to the non-payment of arrears of revision of pay with effect from 01.01.2016 is concerned, learned counsel for the petitioner submitted that he may be permitted to make a comprehensive representation to the State to pursue his case since it is the policy decision and the learned State counsel has also stated that she has no objection in case the petitioner is permitted to pursue his case before the concerned authority and in case he does so then it will be considered in due course and therefore this Court is of the view that the prayer of the petitioner is just and proper.

Liberty is granted to the petitioner to pursue his case with regard to grant of arrears of pension and pensionary benefits with effect from 01.01.2016 in accordance with law. In case such a comprehensive representation or any other legal notice etc. is moved by the petitioner to the competent authority in this regard, then the same shall be considered and decided preferably within a period of four months from today.

So far as the second prayer of the petitioner with regard to delayed payment on DCRG, commutation of pension and arrear of pension is

concerned, no justification has come forth as to why there was a delay in the disbursement of the amount even when the pension case of the petitioner was moved by the concerned department to the Accountat General on 10.07.2020 whereas the petitioner retired much later on 30.11.2020 and therefore the petitioner would certainly be entitled for the grant of interest on the delayed payment.

Consequently, the present petition is partly allowed. The respondent State is directed to calculate the interest on the aforesaid delayed payment on DCRG, commutation of pension and arrear of pension @6% per annum and the same shall be paid to the petitioner within a period of four months from today. In case the aforesaid amount is not paid to the petitioner within the aforesaid period of four months from today, then the petitioner shall be entitled for future interest @9% per annum instead of 6% per annum.

(JASGURPREET SINGH PURI)
JUDGE

February 21, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No