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

2023:PHHC:153436
CWP-16901-2018 (O&M)
Date of Decision: 01.12.2023

Rajinder Singh Pandher …Petitioner

Vs.

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Ms. Saguna Arora, Advocate for
Mr. R.K. Arora, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner submits that the petitioner has been paid his retiral benefits after much delay and relies upon the judgment of Full Bench of this Court in the case of ***A.S. Randhawa vs. State of Punjab and other 1997 (3) SCT 468***.

2. The respondents have filed their reply and stated that while the petitioner retired on 31.01.2015, he submitted his pension papers after delay on 09.12.2015 and no explanation has come forward of not submitting the pension papers after ten months. It is further submitted that NOC was received in the office on 09.01.2017, whereafter the pension case was sent to the O/o Accountant General, Punjab on 10.01.2017 and after receiving the back, the pension has been released to the petitioner on 21.03.2017. The gratuity amount has been released on 16.05.2017, leave encashment amount has been released on 21.05.2016 and final payment of GPG was credited on 13.04.2015. It is further stated that there was a preliminary inquiry conducted against the petitioner, however, no charge sheet was served to the petitioner.

3. Having noticed aforesaid facts, this Court reaches to the conclusion that there has been a delay in releasing the pension and other retiral benefits to the petitioner. The benefits were required to be released as soon as pension papers were submitted. In fact as per rules, the pension papers of the government employee who is due to retire should be prepared and processed six months before he is due to retire. The concerned Head of the Department or Head of Office is required to see that the pension papers are duly prepared by the concerned employee who is due to retire six months thereto. If the person has remained on deputation at any other place or he remained posted at different places, the LPC from the various places should also be obtained while he is in service itself. NOCs from the various departments should also be processed as soon as possible so that a person who is due to retire gets his pension immediately after he retires because once he retires his monthly salary is not paid in his bank and virtually he is without any money. In order to avoid such situation, the State government has already issued circulars in this regard but they are not being followed. Resultantly, petitions are being filed before this Court time and again for release of pension.

4. In the present case, a specious plea has been taken by the respondents that the pension papers were submitted after ten months. The respondents have also put on the petitioner responsibility of getting the NOC from the places where he remained posted on deputation. All these aspects need to be examined at the level of the respondents themselves who are responsible to see that the person who is retiring gets all his retiral dues smoothly. In fact no one should forget that he has to get retired one day and,

therefore, at the time of retirement, the pension should be made as soon as possible.

5. Having noticed as above, this Court directs the respondents to pay interest at the delayed payment of pension and other retiral benefits counting the period from the date pension papers were submitted i.e. 09.12.2015 till the date actual payments as noticed above were released. The interest at the rate of 9% per annum shall be calculated on the amount as indicated above and paid to the petitioner within three months henceforth.

6. The writ petition is allowed to the aforesaid extent.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.12.2023.
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No