IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237 **CWP-20626 of 2020**
Date of Decision:20.03.2023

Dr. Parminder Pal Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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Present: Mr. Virinder Kumar Shukla, Advocate,
for petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay interest @12% per annum on the delayed payments of the pensionary benefits to the petitioner.

Learned counsel for the petitioner submitted that the petitioner retired as Assistant Director on 31.12.2018 and thereafter his retirement benefits were not paid in time and there was no impediment for paying the same. He submitted that there is no justification which has come forth from the reply filed by the State to justify their action for delayed payment except for the precedural delay and therefore the petitioner is entitled for the grant of interest on the delayed payments. He submitted that the dates on which the petitioner has been granted the retiral benefits i.e. the gratuity, pension arrears, commuted pension, GP fund, leave encashment and GIS have been so stated in para 3 of the reply which shows that there had been a delay of few months after the retirement of the petitioner for which the petitioner is entitled for the grant of interest.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted while referring to the short reply filed by the Director, Animal Husbandry Department, Punjab that as per the reply the delay was caused because of the administrative clearance and in the scrutiny of service record and also at one point of time the pension of the petitioner was wrongly fixed which was thereafter corrected and therefore the petitioner is not entitled for the grant of interest on the delayed payments.

I have heard the learned counsel for the parties.

The facts in the present case with regard to the disbursal of the pensionary benefits to the petitioner is not in dispute. The respondent-State in the short reply filed has rather given the dates of disbursal in a tabulated form in para 3 of the reply. The petitioner had retired on 31.12.2018 after getting an extension of two years. A perusal of the reply as well as the argument raised by learned State counsel would show that no justifiable reason has come forth as to why there was a delay. The only reason which has been given in the reply was that because of the administrative clearance and in the scrutiny of service record and at one point of time there was a wrong fixation of pension of the petitioner which was later on corrected, caused delay in disbursal of retiral benefits to the petitioner.

This Court is of the view that the aforesaid ground which has been taken by the respondent-State is not a justifiable ground because such procedural delay is on account of the respondent-State and not on account of the petitioner. It is a settled law that at the time when an employee retires, the retiral benefits become due immediately thereupon. The present is a petition filed only for the purpose of grant of interest is so maintainable in view of the law laid down by a Full Bench judgment of this Court in **A.S. Randhawa verus State of Punjab and others** 1997(3) SCT 468. Therefore, in the absence of any justifiable reason on the part of the respondents, the petitioner shall certainly be entitled for the grant of interest on the delayed payments. Consequently, the present petition is allowed. The petitioner shall be entitled for the grant of interest @6% per annum from the date of his retirement till the date of its actual disbursement to the petitioner.

The State is directed to calculate the interest on all the delayed payments as aforesaid and pay to the petitioner within a period of four months from today.

In case the aforesaid amount is not paid to the petitioner within a period of four months as stated above, then the petitioner shall be entitled for the future rate of interest @9% per annum instead of 6% per annum.

The present petition stands allowed.

(JASGURPREET SINGH PURI)
JUDGE

March 20, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No