

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

209

CWP-9308-2017

Date of Decision: 27.07.2023

Shabeg Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Ashish Goklaney, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release interest on the delayed amount of gratuity, pension and leave encashment.

2. Learned counsel for the petitioner submits that the petitioner had attained the age of 58 years on 30.06.2012. He was accordingly relieved from service. He submitted his pension papers on 22.02.2013 but they were not processed. Issue regarding enhancement of age of physically handicapped persons came to be finalized by the Supreme Court and the petitioner was deemed to be in service upto 30.06.2014. His pension papers, which he had submitted on 22.02.2013, were therefore, not required to be processed. It is the case of the State Government that the petitioner submitted his pension papers again on 09.09.2015 but they were incomplete and complete papers were again submitted on 11.04.2016. In the meantime,

the petitioner was granted 70% of provisional pension, vide order dated 10.11.2015 and provisional gratuity for an amount of Rs.9 lakhs was released on 19.03.2016. The balance amount of pension was ultimately released to the petitioner on 17.03.2018. The 10% gratuity amount was released to the petitioner on 11.09.2018 and amount of leave encashment was released to him on 17.10.2017.

3. Learned State counsel submits that there is no deliberate and wilful delay on the part of the State and its authorities. It is the petitioner himself who has caused delay in submitting his pension papers, which has resulted in delayed payment and therefore, she submits that interest thereof is not required to be paid by the State.

4. I have heard learned counsel for the parties at length and have considered the submissions.

5. It is an admitted position that the petitioner had initially been relieved from his duties on 30.06.2012 and no salary or pension was paid to him for a long period. His retirement from service was later on shifted to 30.06.2014. The petitioner is a physically handicapped person. The action of the State for not releasing the pension of the petitioner during the intervening period itself was wrongful. If the payments have been made belatedly, the State will have to pay interest on the retiral benefits. The action of the State Government only releasing 70% provisional pension and 90% gratuity and withholding the remaining amount also stands unexplained. Once the pension papers were already available with the respondents, it was their duty to see that they are complete in all respects. A Government employee cannot be made to run from pillar to post after he had already retired. It is noticed that while the petitioner finally attained the age of superannuation on 30.06.2014, 70% of provisional pension was paid to

him on 04.02.2015 and 30% was paid on 17.03.2018. The 90% of gratuity amount was paid to him on 04.05.2016 while 10% of the same was paid to him on 11.09.2018 and leave encashment has been paid to him on 17.10.2017. The delay is apparent and stands unexplained. Even if this Court finds that revised pension papers were submitted on 09.09.2015, no explanation has come forward for further delay on the part of the respondents-State. Accordingly, the petitioner is held entitled for interest on the delayed payment.

6. Keeping in view the aforesaid findings, the present petition is allowed. The petitioner would be entitled for interest @ 9% per annum on all the retiral benefits including pension, gratuity and leave encashment from the date the same was due i.e. on 30.06.2014. The respondents are directed to release the said interest to the petitioner within a period of three months from today.

27.07.2023*D.Bansal***(SANJEEV PRAKASH SHARMA)
JUDGE**

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