

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(248)

CWP No. 25637 of 2021
Date of Decision : 05.09.2023

Narender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Kumar Verma, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Ms. Himani Jain, Advocate for
Mr. Harneet Singh Oberoi, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed claiming the interest on the delayed release of the pensionary benefits.

As per the petitioner, he retired while working on the post of Range Forest Officer on 31.01.2020. Learned counsel for the petitioner submits that the benefits, which were due, were paid starting from September, 2020 onwards till December, 2020 and there is a delay in release of the pensionary benefits for a period of seven to ten months, hence, petitioner is entitled for interest for the said period.

In the reply filed by the respondents, the respondents stated that the petitioner was on deputation and had returned back to the parent

department only days before he was to superannuate and after verifying the record, it transpires that a sum of Rs. 2,26,860/-, was required to be recovered from the petitioner, which amount was only deposited by the petitioner after his retirement on 11.03.2020 and thereafter, there was a lock down imposed, due to which, payment towards the pensionary benefits could not be released immediately and as soon as, the situation qua the pandemic of Covid-19 improved, the pensionary benefits were released, hence, there is no intentional delay on the part of the department so as to entitle the petitioner for the interest.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that the petitioner retired on 31.01.2020, on which date, there was no proceeding pending against the petitioner so as to give the jurisdiction to the respondents to withhold the pensionary benefits. Though, after the retirement, certain amount was found due from the petitioner, which the petitioner deposited on 11.03.2020 but thereafter, there was no justification for withholding the amount due to the petitioner. Even if the Offices were working with less staff due to the pandemic of Covid-19 but as the retired employee can only survive on the basis of the retiral benefits, there is no valid justification not to release the pensionary benefits.

Further, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that an employee will be entitled for the interest on an amount which has been

retained by the respondents and used to their benefit. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

Keeping in view the above, once the amount which was to be released to the petitioner, was retained by the department, the petitioner becomes entitled for interest, hence, in the facts and circumstances of the present case, petitioner is held entitled for interest @ 6% per annum starting from 01.04.2020 till the actual release of the same. Let the respondents calculate the interest for which the petitioner has been entitled for under this order and the same be released to him within a period of three months from the receipt of certified copy of this order.

Petition is allowed in above terms.

September 05, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No