

CWP-28014-2019

-1-

238

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

CWP-28014-2019

Date of Decision: 18.04.2023

Pardeep Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepak Gupta, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *certiorari* for quashing of the order dated 25.04.2019 (Annexure P-3) by which the interest on the delayed payments of retiral benefits have been declined to the petitioner with a further prayer to direct the respondents to pay the interest on the delayed payment on his due retiral/pensionary benefits @ 18% per annum.

2. Learned counsel for the petitioner has submitted that the petitioner had attained the age of superannuation on 30.04.2014 and thereafter, he was granted extension of two years in pursuance of the Notification issued by the Government of Punjab for the grant of extension and thereafter, he finally retired on 30.04.2016 as Deputy Director from the

CWP-28014-2019

-2-

Department of Animal Husbandry, Sri Muktsar Sahib. He further submitted that thereafter the pension and pensionary benefits have been unduly delayed by the respondent-State and for that there is no justification in this regard. He also submitted that earlier also he had filed a writ petition before this Court for grant of interest on the delayed payment of his retiral benefits and this Court vide Annexure P-1 had directed the respondent-Department to consider the representation filed by the petitioner and to dispose of the same within a period of three months. Thereafter, vide Annexure P-3, an order was passed by the Director, Animal Husbandry, SAS Nagar, Punjab whereby interest was denied to the petitioner on the ground that the delay has been caused by the Treasury Office.

3. Learned counsel for the petitioner further submitted that there was no legal impediment or any embargo for delayed payments of the retiral benefits of the petitioner. While referring to the impugned order Annexure P-3, he has submitted that so far as GPF is concerned, the same was approved by the Accounts Branch on 02.05.2016 but the same was paid to the petitioner on 06.09.2016 with a delay of five months for which there was no justification. So far as the Leave Encashment is concerned, the same was also approved on 18.10.2016 but was paid to the petitioner on 12.01.2017 with a delay of eight months and for that also there was no justification. So far as DCRG is concerned, the approval was granted on 10.03.2017 which was disbursed to the petitioner on 27.10.2017 with the result that there was a delay of 1½ years. While referring to the impugned order, he also submitted that it has been so stated by the Director, Animal Husbandry, SAS Nagar, Punjab that the delay was caused because of delay in passing of the bills by

CWP-28014-2019

-3-

Treasury Office which is not justified, since the pension and pensionary benefits are not a bounty of the State and they have to be released immediately on the retirement of an employee. He further submitted that in view of the judgment of Full Bench of this Court passed in "**A.S. Randhawa Vs. State of Punjab and others**", 1997(3) SCT 468, the petitioner is entitled for grant of interest since no justification has come forth from the State for delayed payments except for the delay caused by the Treasury Office which is no ground for delay.

4. On the other hand, Mr. Sandeep Chopra, learned DAG, Punjab, while referring to the reply filed by the Director, Animal Husbandry, SAS Nagar, Punjab submitted that although there has been a delay in disbursement of the retiral benefits to the petitioner but the petitioner had submitted the documents only two months before the date of his retirement, and thereafter, the processing of the same took time. He further referred to the reply filed by the District Treasury Officer, in which, it has been so stated that it was because of the financial difficulty that the amount was not paid in time due to financial crisis in the State of Punjab and in this regard he referred to Para No.3 of the affidavit filed by the District Treasury Officer.

5. I have heard the learned counsel for the parties.

6. The only issue involved in the present case is whether the petitioner is entitled for grant of interest on the delayed payments of retiral benefits or not. There has been an alleged delay from 5 months to 1½ years in disbursement of the retiral benefits to the petitioner. In the impugned order as well as in the reply filed by the State and the District Treasury Officer, the only reasoning which has been given is that due to financial

CWP-28014-2019

-4-

difficulties, the disbursal could not be made. So far as the submission of the pension papers by the petitioner to the Department is concerned, he had submitted the same were submitted prior to his retirement and therefore, that cannot become a ground for delay in the disbursal of the retrial benefits. In the absence of any justifiable reason for delay in the retiral benefits, the petitioner shall be certainly entitled for the grant of interest in view of the judgment of Full Bench of this Court passed in *A.S. Randhawa's case (supra)*.

7. In view of the above, the present petition is allowed. The order dated 25.04.2019 (Annexure P-3) vide which the petitioner had been denied interest on the delayed payments of retiral benefits is set aside. The State is directed to grant interest to the petitioner @ 6% per annum from the date of his retirement till the date of disbursement on different components as the case may be. The respondent/State is directed to calculate the same and pay to the petitioner within a period of three months from today. In case, the aforesaid amount is not paid within aforesaid period, then the petitioner shall be entitled for future interest @ 9% per annum instead of 6% per annum.

18.04.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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