

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2070-2024

Date of Decision :01.02.2024

Krishan Kumar Kachoria

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to order dated 29.12.2023 (Annexure P/8) by which, claim of the petitioner for the grant of interest on the delayed release of the pension and pensionary benefits has been rejected by the respondents.

2. Learned counsel for the petitioner submits that whatever procedure was required to be followed by the petitioner on attaining the age of superannuation on 31.03.2023 for the release of pensionary benefits was done by the petitioner but still respondents did not release the pension of the petitioner for a period of approximately 06 months after his retirement and the same was only released on 12.09.2023 and hence, as per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, as there was no impediment in the release of the pensionary benefits of the petitioner, the petitioner is entitled for the grant of benefit of interest on the delayed release of the payment.

3. Last argument which has been raised by the learned counsel for the petitioner is that as per the rules governing the service, which have been mentioned at page 8 of the present petition i.e. Rules 67-68 of the rules governing the service, the onus of releasing the pension is on the department and not on the employee hence, in the facts and circumstances of the present case, denial of interest on the delayed release of the pensionary benefit by the respondents is totally arbitrary and illegal.

4. Keeping in view the advance copy served, Mr. Harish Nain, AAG, Haryana, who is present in Court, puts in appearance on behalf of the respondent-State and submits that due reasons for the non-grant of interest to the petitioner has been mentioned in the impugned order itself according to which, pension papers were to be submitted at least six months prior to the retirement whereas, the petitioner has submitted the same on the date of his retirement and even otherwise, as the petitioner was working on deputation with Bhakra Beas Management Board and used Government house facility, "No dues Certificate" was required to be submitted by him from the said authority for the release of the pension, which was not submitted and when the said "No dues Certificate" was submitted, pension was released to the petitioner.

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

6. First argument of the petitioner is that as per the judgment of Full Bench of this Court in A.S. Randhawa (supra), once there is no impediment in the release of the pensionary benefits of an employee, the same should be released within a period of two months. There is no quarrel with the said proposition of law but in the present case question arises as to

whether the department is liable to release the pension within the time frame in the absence of submission of pension papers by the petitioner. Learned counsel for the petitioner has not been able to rebut the contention of the department as stated in the impugned order that the petitioner retired from service on 31.03.2023 and he has submitted the pension papers only on the said date. Learned counsel for the petitioner has also not been able to rebut the contention that in view of the rules governing the service, the pension papers are required to be submitted six months prior to the retirement and in the absence of any pension papers available with the department, how come the pension would have been released to the petitioner on the date of his retirement. Hence, claim being raised by the petitioner that even despite the non-submission of pension papers by the petitioner prior to the date of his retirement, department is under an obligation to release his pension on the date of retirement cannot be accepted.

7. Further, qua the argument that as per the rules governing the service, the authority dealing with the sanction of the pension are to deal with the application submitted for the grant of pension by giving high degree of priority and authority concerned is required to prepare a list of the employees, who are retiring within a every six months and release of the pension to the retired employee should not be delayed, learned counsel for the petitioner has failed to notice that the application submitted by the employee concerned is to be dealt by the authority concerned by giving high degree priority but once the application was not submitted up to the date of retirement, how come the same is processed by the authority concerned by giving high degree priority. Reliance being placed by the learned counsel for the petitioner to the said rules does not come to the aid of the petitioner

as it has already come on record that the petitioner has not submitted his pension papers prior to the date of his retirement.

8. Not only this, petitioner was working with the Bhakra Beas Management Board hence, it was incumbent upon the petitioner to bring “No dues Certificate” from the authority concerned so as to release the pension and other pensionary benefits, which on the date of retirement of the petitioner was not submitted.

9. Learned counsel for the petitioner has submitted that “No dues Certificate” is required to be submitted after the retirement and not prior to the retirement.

10. It may be noticed that the “No dues Certificate” is to be submitted by the employee concerned after the date of retirement that is why, two months time has been given to the authority concerned to release the pensionary benefits as per the judgment of the Full Bench of this Court in **A.S. Randhawa (supra)**.

11. In the present case, as per the impugned order, after the retirement, “No dues Certificate” was submitted by the petitioner and, thereafter, pensionary benefits were released to the petitioner within a period of two months hence, in the present case, there is no inordinate delay on the part of the department in releasing pensionary benefits of the petitioner and rather the pension papers were submitted by the petitioner after his retirement and adequate time has been taken by the department to process the same and release the pensionary benefits to him and the delay which has occurred in the said process cannot be attributable to the respondent-department in the facts and circumstances of this case.

12. Keeping in view the facts and circumstances of the present

case, claim of the petitioner, as raised in the present petition cannot be accepted and the writ petition is accordingly dismissed.

February 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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