



CWP-6291-2021 (O&amp;M)

-1-

**In the High Court of Punjab and Haryana at Chandigarh**

234

CWP-6291-2021 (O&amp;M)

Date of Decision: July 25, 2024

**Mela Singh**

.....Petitioner

**VERSUS****The State of Punjab and others**

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sukhandeep Singh, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab and  
Mr. Charanpreet Singh, AAG, Punjab.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present petition, the grievance being raised by the petitioner as he has been declined the benefit of interest on the delayed release of pensionary benefits.

2. Learned counsel for the petitioner submits that impugned order dated 11.02.2020 (Annexure P-3) is liable to be set aside being contrary to the settled principle of law in **Ram Pyari versus State of Punjab, (2008) 4 SCT 199**. As per the averment made in the present petition, the petitioner retired after attaining the age of superannuation on 31.03.2017 and after serving for 02 years on extension, the petitioner retired from service on 31.03.2019. After the retirement, the pensionary benefits were not released immediately and there was a delay. As per the petitioner, the pensionary benefits were only released on 04.02.2020.

3. Upon notice of motion, the respondents have filed the reply wherein it has been mentioned that petitioner being Head of the Office was



CWP-6291-2021 (O&M) -2-

required to send his papers six months prior to the retirement whereas up to the date of retirement, the papers were not sent, due to which the pensionary benefits could not be released immediately upon retirement and, therefore, the delay is attributable to the petitioner and not the department.

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

5. As per the rules governing the service, the pension papers are to be submitted 06 months prior to the retirement, so that upon retirement an employee gets the complete benefit without any delay.

6. In the present petition, the respondents are on record to say that the petitioner being Head of the Office was required to send his pension papers six months prior to the retirement whereas, the same were only sent after his retirement due to which, the delay occurred for releasing of the pensionary benefits. The averments made in the reply have gone unrebutted at the hands of the petitioner. That being the factual position, it cannot be said that the respondents had caused the delay in release of the pensionary benefits whereas, non-action on the part of the petitioner sending his pension papers six months prior to the retirement is the cause for the delay in release of pensionary benefits.

7. Keeping in view the above, no ground is made out for grant of prayer as raised in the present petition.

8. Dismissed.

(HARSIMRAN SINGH SETHI)  
JUDGE

July 25, 2024  
A. Kaundal

Whether speaking/ reasoned : Yes/No  
Whether Reportable : Yes/No