IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-5529-2023
Date of Decision : 31.01.2024

Manmohan Singh …..Petitioner

Versus

Punjab State Power Corp. Ltd. and others …..Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Ms. Gurneet Sagoo, Advocate
for the respondents-PSPCL.

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NAMIT KUMAR, J. (ORAL)

1. The instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release the retiral benefits of the petitioner such as pension, death-cum-retirement gratuity, leave encashment and other dues.

2. It is the case of the petitioner that the petitioner sought voluntary retirement w.e.f. 31.05.2022 and when the retiral benefits were not released to the petitioner, he submitted representation dated 05.12.2022 (Annexure P-3) to the respondents and since no response was received by the petitioner on the said representation, therefore, he has approached this Court by filing the instant writ petition for releasing his retiral benefits.

3. On issuance of notice of motion, written statement has been filed by the respondents wherein it has been stated that a draft charge-sheet was pending against the petitioner which was ultimately dropped on 02.06.2023 and for this reason, some of the retiral dues of the petitioner could not be released and now all the retiral dues have been released to the petitioner.

4. Learned counsel for the petitioner submits that although during the pendency of the present petition, all the retrial benefits have been released by the respondents, however, the same have been released after a considerable delay. Learned counsel for the petitioner has produced a copy of bank statement of the petitioner which is taken on record. As per the said statement, the retiral benefits of the petitioner has been released on the following dates :-

Date	**Amount**	**Remarks**
17.05.2023	Rs.8,79,200/-	Leave Encashment
01.09.2023	Rs.6,59,816/-	Arrears of Pension
05.09.2023	Rs.11,72,102/-	Commutation of pension
08.11.2023	Rs.15,91,200/-	Death-cum-retirement Gratuity

5. On the other hand, learned counsel for respondents No.2 and 3 submits that all the retiral benefits have been released to the petitioner and nothing is due to be paid to him. He submits that since there was a draft charge-sheet pending against the petitioner, which was ultimately dropped on 02.06.2023, therefore, some delay has occurred in releasing the retiral dues to the petitioner.

6. I have heard learned counsel for the parties and gone through the relevant documents.

7. It is a well settled law that the retiral benefits of the employee is his property and the same cannot be withheld without any justifiable reasons.

8. Since the retiral dues of the petitioner were not released within a reasonable time from the date of voluntary retirement and the only impediment as per the respondents was the draft charge-sheet which has also been dropped on 02.06.2023, therefore, the petitioner is entitled for interest on the delayed retiral dues.

9. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of said judgment is as under:-

> *"Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement."*

10. Apart from this, 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 without any valid justification. The relevant paragraph of the said judgment 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."*

11. In view of the above factual position, this Court is of the view that the petitioner is entitled for grant of interest @ 6% per annum on the delayed payment of retiral dues w.e.f. 01.09.2022 till the date of actual payment(s), which shall be paid by the respondents, within a period of 03 months from the date of receipt of certified copy of this order.

12. The present petition is disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

31.01.2024
Kothiyal

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No