



**CM-4214-CWP-2024 in/and
CWP-4846-2023**

1

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

(106+268)

**CM-4214-CWP-2024 in/and
CWP-4846-2023
Date of Decision : September 26, 2024**

Harjinderpal

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lavish Arora, Advocate, for
Mr. Sanjeev Kumar Arora, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4214-CWP-2024

As prayed for, the application is allowed.

Reply on behalf of respondents No. 1 to 3 as well as Annexures
R-3/1 to R-3/2/T are taken on record.

CWP-4846-2023

1. In the present writ petition, the claim of the petitioner is for the grant of interest on the delayed release of the pensionary benefits as the same has been delayed by the respondents and keeping in view the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*, in case there is no impediment and the pensionary benefits of an employee are not released within a period of two months of the retirement, the employee is entitled for interest hence, keeping in view the admitted position that the pensionary benefits of the petitioner were released after a delay of 2 months without there being any impediment, the petitioner is



**CM-4214-CWP-2024 in/and
CWP-4846-2023**

2

entitled for the grant of interest.

2. Upon notice of motion, the respondents have filed the reply. The respondents have conceded that there is a delay in the release of the pensionary benefits of the petitioner but submits that the same was not intentional or deliberate.

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

4. It may be noticed that as per the judgment of the Full Bench of this Court in **A.S. Randhawa's case (supra)**, the employee will be entitled for interest on the delayed release of pensionary benefits in case the payment is made after a period of two months of retirement without there being any impediment. The relevant paragraph of the 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 retirer 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.”

5. In the present case, the delay in the release of the pensionary benefits is more than two months hence, the petitioner becomes entitled for the



**CM-4214-CWP-2024 in/and
CWP-4846-2023**

3

grant of interest and learned counsel for the respondents has not been able to rebut the said fact.

6. Further, the following averments made in paragraph 6 of the reply, which is as under:-

“ 6. That on the receipt of necessary sanction, the payment of G.P.F amount has been released to the petitioner, vide voucher No.26 dated 31.05.2023. Some delay has occurred in making the payment of G.P.F which is neither intentional nor deliberate, but the same has occurred in completing the prescribed requisite retirement documents/performa, for which the answering respondent tenders sincere apology.”

7. Keeping in view the fact that the respondents themselves have conceded that there is a delay but the same is not intentional or deliberate and an apology has been tendered for the delay, this fact shows that there was no impediment in the release of the pensionary benefits of the petitioner so as to apply the judgment of the Full Bench of this Court in **A.S. Randhawa's case (supra)**.

8. Keeping in view the above, the present writ petition is allowed. The petitioner is held entitled for interest @ 6% per annum on the delayed release of the pensionary benefits from the date the amount became due till the actual payment of the same. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.

September 26, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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