IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-6634-2022 (O&M)

MURARI LAL SHARMA … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

2 CWP-13144-2001(O&M)

GURMEET KAUR … Petitioiner
V/S
STATE OF PUNJAB & ORS. … Respondents

3. CWP-2164-2024 (O&M)

DEVINDER SINGH … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

4. CWP-4470-2024 (O&M)

TEJPAL SINGH … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

5. CWP-6315-2024 (O&M)

JASWANT SINGH … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

6. CWP-6358-2024 (O&M)

HARJINDER KAUR … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

7. CWP-7235-2024 (O&M)

INDERPAL SINGH … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

8. CWP-7359-2022 (O&M)

RAJ KUMAR … Petitioner
V/S

STATE OF PUNJAB AND OTHERS … Respondents

9. CWP-7720-2022 (O&M)

MEHAR SINGH … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

10. CWP-8098-2022 (O&M)

SUNIL KUMAR SETHI … Petitioner
V/S
STATE OF PUNJAB AND OTHERS … Respondents

<u>Date of Decision:28.10.2024</u>

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Arora, Advocate for the petitioner(s) in CWP-6634-2022, CWP-2164-2024, CWP-4470-2024, CWP-6315-2024, CWP-7359-2022, CWP-7720-2022, CWP-8089-2022,

Mr. H.S. Dhindsa, Advocate with Mr.Ramandeep Singh, Advocate for the petitioners in CWP-13144-2001.

Mr. Vipin Mahajan, Advocate for the petitioner(s) in CWP-6358-2024.

Mr. Navrajdeep Singh, Advocate for petitioner in CWP No.7235-2024.

Mr. Amarpreet Singh Bains, AAG, Punjab

<u>HARSIMRAN SINGH SETHI, J.(ORAL)</u>

Reply by way of affidavit on behalf of respondent No.5 in CWP-6315-2024 has been filed in the Court today and the same is taken on record. Copy thereof has been supplied to counsel for the petitioner.

In the present bunch of petitions, the grievance being raised by the petitioners is that though there were no departmental proceedings pending against them and there was no impediment in the release of their pensionary benefits but still the pensionary benefits of the petitioners have been released after a delay of more than 02 months of their retirement and according to the judgment of Hon'ble Full Bench of this Court in ***A.S. Randhawa vs. State of Punjab, 1997 (3) SCT 468***, the petitioners are entitled for interest for the delay release of their pensionary benefits.

Learned counsel for the respondents-State submits that though, no departmental proceedings were pending against any of the petitioners, but, some of the petitioners never applied for the release of GPF within the stipulated time, hence the pensionary benefits of the petitioners have been rightly released as it was only a procedural delay.

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

It may be noticed that the issue with regard to the grant of interest on the delay release of pensionary benefits has already been settled by the Full Bench in ***A.S. Randhawa's*** case (supra), the relevant portion of the judgment reads 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 retired in proper time. O what is proper time will depend on the fats 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."*

A bare perusal of the judgment would show that in case there is no impediment in the release of the pensionary benefits, the same has to be released within a period of two months of their retirement, failing which, the employee will be entitled for interest so as to compensation the delay. Not only this, even a Coordinate Bench of this Court in ***J.S. Cheema vs. State of Haryana, 2014 (13) RCR (Civil) 355*** has held that where an amount belonging to an employee, has been retained and used by the department, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of **J.S. Cheema's case (supra)** is as under:

> "The jurisprud*ential 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.*"

Keeping in view the above, the petitioners are entitled for the grant of interest on the delay in release of their pensionary benefits.

Further, the only argument, which has been raised by learned counsel for the respondents is that the petitioners did not apply for the release of GPF hence, the delay was only procedural.

On being asked to point out any provision that after the retirement, for the release of the GPF, an employee has to apply, no such provision under the Rules governing the service has been pointed out by the learned Counsel for the respondents.

Further, the employee, who does not have any pending disciplinary proceedings or any impediment in the release of pensionary benefits, should be allowed all the benefits as per the judgment cited herein above. The procedural delay which is being claimed for the release of pensionary benefits, cannot come in the way of an employee to claim interest. Hence, the petitIoners are entitled for interest on delayed release of their pensionary benefits. Accordingly, the respondents are directed to pay interest on the delayed release of pensionary benefits @ 6% per annum from the date of the amount became due till the actual payment of the same. Let the interest under this order be calculated in favour of the petitioners and be released to them within a period of 08 weeks from the date of receipt of certified copy of this order.

Present petitions are disposed of accordingly. Pending applications if any, also stands disposed of.

Copy of this order be placed on the file of connected writ petitions.

(HARSIMRAN SINGH SETHI)
JUDGE

28.10.2024
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1.*Whether speaking/reasoned?* ***Yes/No***

2.Whether reportable? ***Yes/No***