



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP No. 17042 of 1999

Date of Decision : 22.07.2024

Varinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate for the petitioner.

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

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the petitioner is claiming the interest on the delayed release of the pensionary benefits.

2. As per the averments made in the writ petition, the petitioner retired from service on 31.07.1992 but the pensionary benefits were released only on 24.11.1994 (Annexure P-6), hence, the petitioner is entitled for interest on the delayed release of the pensionary benefits.

3. Learned counsel for the respondents submits that there were complaints against the petitioner for which the departmental proceedings were initiated but as the allegations were not proved and the departmental proceedings were dropped on 27.05.1994, the withheld pensionary benefits were released on 24.11.1994 (Annexure P-6), hence, in the facts and



circumstances of the present case, the petitioner is not entitled for any interest on the delayed release of the pensionary benefits.

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

5. It may be noticed that the pensionary benefits were withheld keeping in view the allegations alleged by the department against the petitioner. Though, the department has the jurisdiction to withhold the same but keeping in view the fact that the allegations were not proved against the petitioner and the charge-sheet was dropped, the issuance of a charge-sheet and withholding of the pensionary benefits cannot cause prejudice to the petitioner. Once, the department has not been able to prove the allegations, the petitioner needs to be compensated by the grant of interest.

6. 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 **J.S. Cheema's case (supra)** 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.”

7. Keeping in view the above, the respondents are directed to release the interest @ 6% per annum from the date the petitioner retired upto the date when the delayed pensionary benefits were released to the petitioner in November, 1994. Let the order be complied with within a period of six months from the date of receipt of copy of this order.

Petition is allowed in above terms.

July 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No