210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15164-2022 (O&M)
Date of Decision : 19-10-2024

KANWALSHER SINGH ....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER ....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jatin Bansal, Advocate for the petitioner.

Mr. Arun Gupta, DAG Punjab.

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HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that though there existed no impediment in the release of pensionary benefits, the same have not been released within a time-frame contrary to as held by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468** hence, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

The learned State counsel submits that all the pensionary benefits of the petitioner have now been released hence, no interest may kindly be paid to the petitioner.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, the respondents themselves have released all the pensionary benefits admissible to the petitioner, it can be safely presumed

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that their did not exist any impediment on the date when the petitioner retired. It has come on record that there was no disciplinary or criminal proceedings pending against the petitioner so as to give jurisdiction to withhold the pensionary benefits of the petitioner.

That being so, the pensionary benefits have been delayed by more than two months from the date of the retirement which entitles the petitioner the grant of interest 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**, wherein it has been held that where there is an inordinate delay 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 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 front 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."*

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

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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."*

Keeping in view of above, as the amount belonging to the petitioner was retained by the respondent-State, the petitioner becomes entitled for the grant of interest @ 6% per annum from the date the retiral benefits becomes due till the actual payment of the same.

Let the interest admissible to the petitioner be calculated and released to the petitioner within a period of 8 weeks from the receipt of copy of this order.

Present petition is disposed of in above terms.

Pending application, if any, also stands disposed of.

19-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO

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