

2024:PHHC:100184



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

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CWP-12124-2016 (O&M)
Date of Decision: 05.08.2024

Daljit Singh Matharu

...Petitioner

vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Mandeep Kumar, Advocate for
Ms. Kavita Arora, Advocate
for respondent Nos. 3 & 4.

Mr. Sanjeev Soni, Advocate for
Mr. Sarthak Soni, Advocate
for respondent No. 5.

Mr. Guninder Singh Brar, Advocate
for respondent No.6.

Mr. Savreet Brar, Advocate for
Mr. Ajay Jain, Advocate
for respondent No.7.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present writ petition is for grant of interest on the delayed payment of pensionary benefits.

2. The petitioner was appointed as Section Officer (Mechanical) on

10.08.1978 and a few months before his retirement approached this Court vide
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I attest to the accuracy and
integrity of this document



CWP-5762-2012, seeking a direction for completion of his Service Book and accordingly revise his pay, which was disposed of on 28.03.2012, to do the same within a period of four months, however, on his superannuation on 31.05.2012 was not released various dues such as annual increments, medical reimbursement and retiral benefits.

3. Aggrieved by the above, COCP-3315-2015 was filed and after noticing that the amounts were released as mentioned in the speaking order dated 28.04.2015 on different dates as tabulated below, it was disposed of on 01.12.2015 with the liberty to file a representation to claim interest on delayed payments, whereafter a justice demand notice dated 01.02.2016 was issued, which reads thus:-

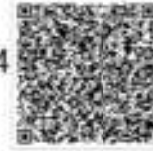
“8. That on receipt of the order dated 2.12.2014, various due payments were released and a speaking order dated 28.4.2015 was issued and in the said order, it has been admitted by the respondents that the said payments have been released after a considerable delay and details of the same are as under:-

Sr. No.	Head	Amount Payable (in Rs.)	Amount Paid (In Rs.)	Paid vide cheque dated	Delay in releasing the payment
1	Pension	3,31,007/-	3,31,007/-	07.07.13	1 yr. 6 mts & 6 days
	01.6.12 to 30.6.13	5,84,068/-	5,84,068/-	03.11.14	2 yrs 5 mts & 2 days
	Commutation of pension				
2	Gratuity	8,08,582/-	1,13,372/-	24.8.12	2 mts & 23 days
	Leave	3,06,113/-	1,27,420/-	18.9.12	3 mts & 17 days
	Encashment		2,00,000/-	29.11.12	5 mts & 28 days
	Total	11,14,695/	3,00,000/-	27.12.12	6 mts & 26 days
	Deduct- Excess	24,986/-	78,592/-	14.03.13	9 mts & 13 days
	salary paid for		22,779/-	20.03.13	9 mts & 19 days
	the period		1,97,490/-	07.05.13	11 mts & 6 days
	14.1.12 to		50,056/-	05.2.15	2 yrs 10 mts & 4 days
	07.2.12				
	Net Payable	10,89,709/-	10,89,709/-		



3	Medical reimbursement Rs.93,116/-	90,000/-	90,000/-	03.12.12	6 mts. & 2 days
4	Arrears of pay 02.6.1998 to 27.09.05	35,523/-	35,523/-	20.04.15	1 yrs 10 mts & 19 days
5	Arrears of pay Period 06.4.93 to 27.5.98 and 05.4.97 to 08.4.97	47,208/-	47,208/-	07.7.04	2 yrs 1 month & 6 days
	Period 01.1.96 to 27.05.98	6,736/-	6,736/-	20.12.12	6 mts & 19 days
		53,944/-	53,944/-		
6	Arrears of pay Period 28.09.05 to 12.09.06	18,607/-	1,27,399/-	16.04.15	2 yrs 10 mts & 15 days
	Period 01.1.06 to 12.09.06 and 10.03.11 to 11.07.11	1,08,792/-			
		1,27,399/-	1,27,399/-		
7	Arrears of pay Period 18.07.11 to 04.08.11 and 17.12.11 to 13.01.12	31,502/-	31,502/-	08.4.15	2 yrs 10 mts & 7 days
8	Arrears of pay Period 13.09.06 to 08.03.11, 10.08.11 to 16.12.11 and 08.2.12 to 31.5.12	6,56,699/-	1,00,000/-	25.03.14	1 yrs 9 ms & 24 days
			1,00,000/-	09.04.14	1 yr 10 mts & 8 days
			1,00,000/-	13.01.15	2 yrs 7 mts & 12 days
		6,56,699/-	6,56,699/-		

4. The only assertion put forth by learned counsel for the respondents is of putting the blame on each other by basing on the fact of transfer of petitioner to various Municipalities and thus justifying the untimely completion of the service book.



5. Notably, the previous writ petition had been filed only for the purpose of completion of the service book and for the release of various benefits. As is evident from the above table, it was pursuant to the order of this Court that the respondents woke up from deep slumber and made the respective payments to the petitioner, which had been long due since his transfer from the respondents-Municipalities. The argument posed is only a feeble attempt to overshadow their lackadaisical approach towards their duties, which has been criticized by Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair**, (1985) 1 SCC 429, by observing that after availing life-long services from its employees, it is incumbent on the State to grant them their due pension and it was further held that, "Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."_

6. Full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468, held that an employee would be entitled to be compensated by granting interest by the State on account of delayed disbursement of retiral benefits.

7. Hon'ble the Supreme Court in **Vijay L. Mehrotra vs. State of UP**, 2001 (9) SCC 687, ruled that in case there is no justification or reason for delayed payment of retiral benefits, interest would be liable to be paid, while this Court in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, observed that, the interest has to be given to an employee where an amount belonging to him, was retained and utilized by the respondents, has been

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released on a later date.

8. Undoubtedly, the petitioner had suffered an inordinate delay in the discharge of his arrears at the hands of apathetic respondents, who had been delaying the matter only for want of a formal notice or order. This depicts not only indecisiveness but also insensitivity. They have unjustly enriched themselves with the amounts withheld for the long durations, at the cost of a treasured right of a retiree, for which they have miserably failed to offer any justification, much less plausible. The State functionaries must also admit to feeling a pang of regret.

9. A callous and whimsical approach towards the case is also apparent from the fact that respondent Nos.5 and 7 have continuously remained absent from these proceedings as well, for which costs were also imposed upon them.

10. In wake of the facts and circumstances of the case, the present petition is disposed of with a direction to the respective respondents to pay interest at the rate of 6% per annum on the retiral benefits as released by them, for the period the petitioner worked under their Departments, from the date when the same fell due till their realization, within a period of two months.

(AMAN CHAUDHARY)
JUDGE

05.08.2024
Satyawar

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