

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

272 (1) CWP-18444-2020
VED PARKASH ... Petitioner

VERSUS

PUNJAB AND HARYANA HIGH COURT AND OTHERS ... Respondents

272 (2) CWP-2313-2021
SATVINDER SINGH ... Petitioner

VERSUS

PUNJAB AND HARYANA HIGH COURT AND OTHERS ... Respondents

272 (3) CWP-11813-2021
SUKHDEV SINGH ... Petitioner

VERSUS

PUNJAB AND HARYANA HIGH COURT AND OTHERS ... Respondents

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272 (4) CWP-22925-2021
Date of Decision: 16.01.2024

TARA SINGH SAINI ... Petitioner

VERSUS

PUNJAB AND HARYANA HIGH COURT AND OTHERS ... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. M.S. Dhami, Advocate
for the petitioner(s) in CWP-2313-2021,
CWP-11813-2021 and CWP-22925-2021.
None for the petitioner in CWP-18444-2020.
Ms. Sangita Dhanda, Advocate
for respondent No.1 in CWP-18444-2020
and CWP-11813-2021.

Mr. T.K. Gupta, Advocate for Ms. Puja Chopra,
Advocate for respondent No.1 in CWP-22925-2021.
Mr. Kanwal Goyal, Advocate for respondents No.1 in
CWP-2313-2021.

Mr. I.S. Sidhu, Advocate for respondent No.2 in
CWP-18444-2020 and CWP-2313-2021.

Mr. Barjesh Mittal, Advocate for respondent No.2 in
CWP-22925-2021.

Mr. Dheeraj Jain, Senior Counsel, Govt. of India with
Mr. Sahil Garg, Advocate for respondent No.3- U.O.I.

VINOD S. BHARDWAJ, J. (ORAL)

The present petitions were initially filed for seeking direction to the respondents to release the arrears of pension and commutation of pension alongwith 18% interest.

Counsel for the petitioner(s) are *ad idem* that the pension and commutation of pension has already been released in favour of the petitioners *albeit* after a delay of nearly 06/07 months respectively. It is contended that the petitioners are thus entitled to grant of interest on the delayed release of pension and commutation of pension by a period of nearly 06/07 months respectively.

A reply had been filed by D.P. Singla, OSD (Litigation) on behalf of respondent No.1-Punjab and Haryana High Court wherein it is stated that the necessary documentation had been forwarded by the Establishment to the office of the Account General (A&E), Punjab and U.T. Chandigarh for release of pension and commutation of pension and the delay in release/disbursement of the dues, if any, is on the part of the office of Account General (A&E), Punjab and U.T.

A separate reply has also been filed by respondent No.2- Office of Accountant General, (A&E) Punjab, wherein it is contended that on the receipt of pension cases of the petitioners, the same were sent to the office of the Pay

and Accounts Officers and Pension Accounting Ministry of Finance, Government of India being the disbursing Authority after allotments of the PPO numbers. The same were returned by respondent No.3 on 21.10.2020 with the remarks that "PPO has already been discontinued from the CPAO data base". However, the cases were handed over to CPAO on 12.11.2020 after allotment of the PPO numbers, which were received by the bank on 16.11.2020 and that the necessary benefits have already been released.

Neither of the parties could advert to the applicable Service Rules/Payment of Pension Rules and/or issuance of any instructions as regard entitlement of any employee to interest in the event of delay in release of the pension and commutation of pension. Counsel for the respondent-High Court has, however, made a reference to an instruction issued as regard entitlement of interest at the rate of 5% per annum in the case of delayed release of gratuity. Even though the abovesaid instruction may not be strictly applicable to pension and commutation of pension, however, even pensions are paid out of a corpus and taking into consideration that there has been a delay and no valid reasons have been put forth as to why there was such delay in release of the pension, it is deemed appropriate that the respondents be directed to pay interest to the petitioners at the rate of 5% per annum on the delayed period qua the pension and commutation of pension after making all necessary adjustments with respect to the excess payment made, if any.

The interest, so calculated in above terms, shall be released/ disbursed in favour of the petitioners within a period of three months of the receipt of certified copy of this order.

Petitions stand disposed of accordingly.

Photocopy of this order be placed on the files of other connected cases.

JANUARY 16, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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