

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

243

CWP-19808-2022
Date of decision : 26.02.2024

SukhdevPetitioner

V/S

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Ms. Arundhati Kulshreshtha, A.A.G., Punjab.

Mr. Sanjeev Soni, Advocate
for respondents No.3 and 4.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus for issuance of directions to the respondents to pay the interest on the delayed payment of retiral dues of the petitioner.
2. Brief facts as necessitated for the disposal of the present petition are that the petitioner was appointed as Pump Driver with the respondent-Department in July, 1985 and retired as Junior Engineer on 29.02.2020. His retiral benefits were not released promptly and therefore, he approached this Court by way of filing of CWP No.21069 of 2020 which stands disposed of on 22.03.2021 on the undertaking that all the admissible retiral benefits will be released to the petitioner within a period of two months from the date of passing of the order. However,

the retiral dues of the petitioner has been disbursed to him in installments on various dates which are as under :-

- (i) Rs.2,00,000/- on 23.06.2020
- (ii) Rs.2,00,000/- on 17.07.2020
- (iii) Rs.3,00,000/- on 15.09.2020
- (iv) Rs.5,00,000/- on 17.03.2021
- (v) Rs.7,41,171/- on 26.04.2021
- (vi) Rs.6,85,736/- on 16.06.2021

3. Learned counsel for the petitioner submits that the petitioner is entitled for interest on the delayed payment of retiral dues in view of the law laid down by a Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468* and *J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355*. He further submits that for the said claim, he has been forced to come again to this Court.

4. On the other hand, learned counsel for respondents No.3 and 4 submits that all the retiral benefits have been released to the petitioner and nothing is due to be paid to him. However, he conceded the fact that some delay has occurred in releasing the retiral dues to the petitioner.

5. I have heard learned counsel for the parties and gone through the relevant documents.

6. It is an admitted fact that no disciplinary proceedings/criminal case were pending against the petitioner before or after his retirement, therefore, he is entitled for the release of his retiral benefits atleast within a period of 03 months from the date of his

retirement i.e. upto 31.05.2020. However, the petitioner has received his retiral benefits after a stipulated period of 03 months.

7. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits 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 retiree 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 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.”

8. 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 retained by the respondents without any valid justification. The relevant paragraph of the said judgment 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.”

9. In view of the above factual position, the present petition is allowed and the respondents are directed to pay interest @ 6% per annum to the petitioner on the delayed payment of retiral dues w.e.f. 31.05.2020 (after a period of 03 months from the date of retirement) till the date of payment, within a period of 03 months from the date of receipt of certified copy of this order.

26.02.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No