



CWP-20843-2021 (O&M)

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

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CWP-20843-2021 (O&M)
Date of Decision :27.05.2024

Dharampal Singh**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Singh Ghangas, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG. Hayana.

Ms. Swati Dayalan, Advocate for respondent No.4.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that though the petitioner has retired from service on 28.02.2021 but his pensionary benefits were not released to him within a period of 02 months of his retirement despite the fact that there was no impediment in the release of the said benefits hence, the petitioner is entitled for the grant of benefit of interest on the said delayed release of his pensionary benefits.

As per the reply filed on behalf of the respondents, the pensionary benefits admissible to the petitioner have already been released to him hence, the prayer of the petitioner for the grant of benefit of interest



may kindly be rejected.

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

Once, the retiral benefits being claimed by the petitioner have already been released to him by the respondents, it is clear that there was no impediment in the release of the said benefits.

A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, has held that an employee is entitled for the release of his/her pensionary benefits within a period of two months of his/her retirement in case, there is no impediment. 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 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.”

Further, a Coordinate Bench of this Court in the case of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the



interest has to be given. 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.”

In the present case, concededly, there was no impediment in the release of the pensionary benefits of the petitioner after his retirement hence, keeping in view the settled principle of law cited hereinbefore, the petitioner is held entitled for the grant of benefit of interest @ 6% per annum on the delayed release of his pensionary benefits from the date the same became admissible till the actual payment has been made.

Let the payment for which, the petitioner becomes entitled under this order be calculated and the said amount be released to him within a period of 08 weeks from the date of receipt of certified copy of this order.

Present petition stands allowed accordingly.

Civil miscellaneous application pending, if any, is also disposed of.

May 27, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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