



LPA No.1681 of 2024

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

LPA No.1681 of 2024(O&M)

Decided on :25.07.2024

State of Punjab and ors.

.....Petitioners

VERSUS

Neeru Singla

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Randher Singh, Sr. DAG, Punjab
for the appellants.

LISA GILL, J (ORAL)

1 This appeal has been filed challenging order dated 20.02.2024 whereby CWP No.8320 of 2023 has been allowed and writ petitioner/respondent is held entitled to interest @8% per annum on delayed payment of retiral benefits with the direction that said interest would accrue to respondent after three months of the date on which it became due till the date of actual payment. It was further directed vide impugned order that in case amount is not released within three months from the date of receipt of certified copy of order, she would be entitled to claim the same @ 9% per annum.

2 Brief facts necessary for adjudication of matter are that CWP No.8320 of 2023 was filed by writ petitioner/respondent seeking quashing of order dated 02.02.2022 rejecting the claim of writ petitioner/respondent for grant of interest on



delayed payment of amount of interest on retiral benefits due to her deceased husband. Husband of writ petitioner admittedly retired from the Department of Water Resources on 30.04.2018 as Executive Engineer. The delay in release of retiral benefits is detailed in para 7 of impugned order and is reproduced as here under:-

‘It is not in dispute that husband of the petitioner had retired on 30.04.2018 and prior to his retirement, had been acquitted vide judgment dated 14.03.2018 in FIR No.126 dated 17.06.2003 and there was no criminal or disciplinary proceedings pending against the petitioner on the date of his retirement. The following chart would show that there was apparent delay in the release of retiral benefits to the petitioner:-

Sr. No.	Head	Date of release of amount as per reply filed on behalf of respondent Nos.1 to 4.
(I)	Leave Encashment	on 09.05.2019
(II)	GPF	On 28.01.2021
(III)	Regular Pension and DCRG	On 15.11.2021
(IV)	Arrears of Provisional Pension	On 15.07.2021
(V)	Revised Leave Encashment	Due on 16.12.2020 and released on 19.08.2021

3 Learned counsel for the appellants argues that impugned order should be set aside as there was delay on part of the employee in submitting necessary papers within stipulated period and appellant cannot be penalized for the same.

4 We have heard learned counsel for appellants and have gone through the file with his able assistance. However, we do not find any ground to interfere in this matter.

5 In the given factual matrix it is correctly observed by learned Single Judge that writ petitioner was entitled to interest on delayed payment. It is a settled preposition that pension and retiral benefits are a statutory right of the pensioner. Gainful reference in this regard can be made to a Full Bench judgment of this Court in ‘A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468’. Learned



Single Bench has further correctly relied upon judgment of this High Court titled as J.S. Cheema Vs. State of Haryana and others passed in CWP No.15867 of 2001 decided on 20.11.2013, wherein the ground of late submission of relevant papers by employee was negated.

6 Learned counsel for appellants is unable to point out any infirmity or irregularity in the impugned order dated 20.02.2024 which calls for interference.

7 There is a delay of 121 days in filing of this appeal. As the same has been adjudicated upon merits, decision on the application for condonation of delay is rendered academic. Application is disposed of accordingly.

8 Appeal is accordingly dismissed with no order as to costs.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

25.07.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No