235 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-31113-2019 (O&M)
Date of decision: 03.04.2024

SURINDER SINGH ...PETITIONER

VERSUS

PUNJAB AGRICULTURE UNIVERSITY, LUDHIANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mohit Giri, Advocate for
Mr. Ashok Giri, Advocate for the petitioner.

Mr. G.S. Randhawa, Advocate
for the respondents.

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NAMIT KUMAR ,J. (ORAL)

1. The petitioner, who retired as Senior Assistant on attaining the age of superannuation on 31.03.2019, from the respondents-University has approached this Court seeking a writ of certiorari for setting aside order dated 03.10.2019 (Annexure P-11), whereby No objection certificate and pension case of the petitioner have been withheld and further seeking a writ of mandamus, directing the respondents to sanction and release the retiral benefits to him alongwith the interest.

2. Notice of motion in the present petition was issued on 29.10.2019 by recording following contentions of the learned counsel for the petitioner:-

> *"Learned counsel for the petitioner argues that petitioner has already retired from service on attaining the age of superannuation on 31.03.2019 but the pensionary benefits for which the petitioner is entitled, are not being released on the ground that the petitioner had granted 'No Dues Certificate' to one foreign student without realizing the pending fee from the said student. Learned counsel for the*

petitioner relies upon Annexure P-1, which is 'No Dues Proforma', wherein, the competent authority i.e. Advisor of the Punjab Agricultural University has approved the grant of 'No Dues Certificate' to contend that once the higher authorities have granted the 'No Dues Certificate' to the said candidate, how the allegation of grant of 'No Dues Certificate' can be put upon the petitioner by the University to withhold the retiral benefits on account of the said fact.

Notice of motion for 04.03.2020."

3. Reply by way of an affidavit has been filed by the respondents wherein it has been stated as under:-

1. That the petitioner has filed the main petition praying for quashing of the order dated 03.10.2019 regarding withholding of NOC and pension and further sanction, release and retiral benefits. It is submitted that petitioner like every other Superannuating employee was required to hand over the charge and clear the logs and records to get NOC but the petitioner reluctantly did not provide the relevant record in time hence his NOC was withheld as per law.

2. That the facts stated by the petitioner are wholly twisted and turned to create perplexity, as a mere perusal of the Annexure P-11 clearly indicates the lethargic and inconsiderate attitude adopted by the petitioner himself in clarifying the departmental affairs pending in his name. The petitioner has also not revealed the fact to this Hon'ble Court that he had already received majority of his pensionary benefits even before the filing of the instant writ petition.

3. That later the petitioner cooperated and the respondent-University after receiving all required records from the petitioner, has issued the required NOC and processes the case of petitioner for pension and the remainder benefits

> *have been released by the Office of the Comptroller, Punjab Agricultural University, Ludhiana. All the permitted retiral benefits have been granted to the petitioner. A copy of the letter dated 23.01.2020 issued by the Comptroller is attached herewith as Annexure R-1.*
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> *4. That in view of the order dated 23.01.2020 Annexure R-1, the grievance of the petitioner stands redressed and the main petition has thus become infructuous."*

4. The contention raised by the learned counsel for the petitioner has not been denied in the short reply filed by the respondent-University and it has been stated that he was required to hand over the charge and clear the logs and records to get NOC but the petitioner reluctantly did not provide the relevant record in time hence, his NOC was withheld as per law and thereafter, the petitioner has cooperated and the respondent-University has issued the required NOC and processed the case of the petitioner for pension and remainder benefits have also been released on 23.01.2020 vide Annexure R-1. No details have been provided by the respondent-University as to which record was not provided by the petitioner for issuance of NOC.

5. Learned counsel for the petitioner submits that a sum of Rs.8,50,902/- has been released on account of gratuity on 23.01.2020 after a considerable delay and therefore, the petitioner is entitled for grant of interest.

6. 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."

7. Apart from this, a Coordinate Bench of this Court in J**.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355**, has 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."

8. Admittedly, the petitioner has retired on attaining the age of superannuation on 31.03.2019 and respondents-University was bound to release the retiral benefits on the date of retirement or immediately thereafter. However,

the said benefits have been released after about 10 months of his retirement. Therefore, the petitioner is held entitled to the grant of interest @ 6% interest.

9. In view of the above factual position and settled principles of law, the present petition is disposed of with a direction to the respondents to pay interest @ 6% per annum to the petitioner, on the delayed payment of retiral dues w.e.f. 01.06.2019 (after two months of his retirement) to 23.01.2020, within a period of 03 months from the date of receipt of certified copy of this order.

03.04.2024 **(NAMIT KUMAR)**
renubala **JUDGE**

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