



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-26171-2024 (O&M)
Date of decision: 29.10.2024

Mohar Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Umesh Narang and Mr. Chandra Sekhar, Advocates
for the petitioner

Ms. Vibha Tewari, AAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directions to the respondents to release the pensionary benefits i.e. gratuity and commutation of pension amounting to Rs.29 lacs approximately, which have been withheld without any justification, while the petitioner retired on attaining the age of superannuation on 31.08.2021 from the post of Superintendent.

2. A reference has been made to averments made in para 14 of the petition, which reads thus:

“That it is pertinent to mention here that as many as seven employees who were in the purchase committee and against whom the inquiry was namely Shrikant Sharma, General Foreman, Satbir Singh Binder, Raj Kumari, Administrative Officer, Subhash Chand, Assistant Section Holder and Umed Singh, Section Holder have already been released all the pensionary benefits by the department, whereas the petitioner who was just a proxy in the inspection team and was not the member of Purchase Committee, his pensionary benefits have been withheld.”

3. Learned State counsel had sought time on 14.10.2024 to obtain



instructions with regard to the aforesaid paragraph but has been unable to refute the averments made hereinabove and on instructions from Rajesh Kumar, ADA, Printing and Stationery Department states that the Vigilance Report dated 07.02.2024 has been received, which is in favour of the petitioner and prays that 2 months' time be granted for releasing the benefits.

4. The aforesaid satisfies the learned counsel for the petitioner, who however, prays for grant of interest on the delay caused on the part of the respondents, in which regard, a gainful reference can be made to the judgment of full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468, wherein it was held that an employee would be entitled to be compensated by granting interest by the State on account of delayed disbursal of retiral benefits. Further, in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, it was observed that, the interest has to be given to an employee where an amount belonging to him, was retained and utilized by the respondents, has been released on a later date.

5. Learned State counsel has been unable to offer any plausible reason for the delay so caused or draw out any distinctive aspect in the aforementioned judgments or cite any contrary law, in wake of which, the present petition is disposed of with a direction to the respondents to release the retiral benefits of the petitioner within the period as sought by her, alongwith interest at the rate of 6% per annum on the same, from the date they fell due till realisation.

(AMAN CHAUDHARY)
JUDGE

29.10.2024

M.Kamra

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