IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

253 **CWP-28828-2022 (O&M)**
Date of Decision :07.02.2024

Asha Khurana ...Petitioner

Versus

State of Haryana and others ....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Tapan Yadav, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner argues that though the petitioner had retired on attaining the age of superannuation on 30.09.2016 from the office of District Industries Centre, Karnal but all the pensionary benefits for which the petitioner was entitled for, at the time of her retirement, have not been released to her by the respondents such act on the part of the respondents is causing prejudice to the petitioner whereas, as per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468,*** an employee is entitled for the release of his/her pensionary benefits within a period of two months of his/her retirement, failing which, the employee concerned is entitled for the grant of benefit of interest on the said delayed release of the pensionary benefits hence, the respondents are under an obligation to grant the petitioner benefit of interest on the said delayed release of the pensionary benefits.

2. Learned counsel for the respondents submits that the pensionary benefits admissible to the petitioner at the time of retirement were released to her and the only dispute pertains to some of the amount which was pending in the GPF account of the petitioner, which amount will be verified by the respondents and whatever balance amount from the GPF account is to be released to the petitioner, the same will be released to her.

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

4. Certain amount for which the petitioner is entitled for concededly has been withheld by the respondents and has not been released to her within a time frame granted by the Full Bench of this Court in ***A.S. Randhawa (supra)*** to release the pensionary benefits wherein, it has been held that an employee is entitled for the release of his pensionary benefits within a period of two months of his/her retirement in case there is no impediment in the release of the same. 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 front 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."*

5. Further, a Coordinate Bench of this Court in 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."*

6. Keeping in view the facts and circumstances recorded hereinabove, case of the petitioner is squarely covered by the settled principle of law cited hereinbefore hence, the present petition is disposed of with the direction to the respondents that in case any pensionary benefits have been released to the petitioner beyond the period of two months from the date of her retirement, the petitioner will be entitled for the grant of interest @ 6% per annum on the said amount from the date it became due till the actual payment has been made to the petitioner. Let this order be complied within a period of 08 weeks of the receipt of this order.

7. Present petition is disposed of in above terms.

February 07, 2024 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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