



CWP-28977-2022 (O&M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CWP-28977-2022 (O&M)

Date of Decision:16.05.2024

Satyawan and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ravinder Hooda, Advocate for
Ms. Sharmila Sharma, Advocate for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Gaurav Jindal, Advocate for respondent No.4.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus*, for directing respondents to release pensionary/retiral benefits i.e.gratuity, pension and other retiral benefits to the petitioners with interest.

2. On 16.12.2022, notice of motion was issued by this Court and on the asking of the Court, learned State counsel had accepted notice on behalf of all the respondents.

3. Mr. Gaurav Jindal, Advocate, has caused appearance on behalf of respondent No.4 and has filed Memorandum of Appearance, which is taken on record but none has caused appearance on behalf of respondent No.5.

4. Learned counsel for the petitioners submitted that both the petitioners had retired in the year 2022 from the office of respondents



CWP-28977-2022 (O&M) 2

No.4 and 5-Municipal Corporations, Panipat and Panchkula respectively after attaining the age of superannuation. Thereafter, pensionary benefits as well as retiral benefits were not paid to them and there was no enquiry or disciplinary proceedings pending against the petitioners and as such there was no impediment for payment of the retiral benefits to the petitioners. He further submitted that during the pendency of the present writ petition, now retiral benefits have been released to the petitioners but only the principal amount has been released and petitioners are entitled for grant of interest on the aforesaid principal amount from the date of retirement till the date of its disbursement in view of the Full Bench judgment of this Court in *A.S. Randhawa vs. State of Punjab 1997 (3) SCT 468*.

5. On the other hand, Mr. Kapil Bansal, DAG, Haryana, appearing on behalf of respondent-State of Haryana and Mr. Gaurav Jindal, Advocate for respondent No.4 submitted that it is a case where the services of some of the employees of Municipal Corporations were transferred to that of the Department of Fire Services in Government of Haryana and it was due to the fact that it was not decided as to who was to release the benefits and ultimately now it has been decided by the Chief Secretary, Department of Urban Local Bodies, Haryana Civil Secretariat, Chandigarh, that the amount will be paid by the respective organizations where they have worked and consequent upon the same, the petitioners have now been released the retiral and pensionary benefits and because of the aforesaid reason, delay has been caused which was beyond the control of the respondents and, therefore, the petitioners were not entitled for the grant of interest.



CWP-28977-2022 (O&M) 3

6. Nobody has appeared on behalf of respondent-Municipal Corporation, Panchkula.

7. I have heard learned counsels for the parties.

8. The only issue involved in the present case is now that as to whether the petitioners are entitled for the grant of interest on delayed payments of retiral benefits or not. Admittedly, there was no impediment against the petitioners for releasing the pensionary benefits to them but the only reason which has been given by learned counsels for the respondents that it was not decided as to who was the authority to pay the retiral benefits which caused delay in releasing the same. This Court is of a considered view that the aforesaid reason is not a cogent reason so as to justify their action because pension and pensionary benefits are not only Statutory Right but also a Constitutional Right of an employee and in case no fault is found with the petitioners then the retiral benefits are to be paid immediately after the retirement. Such inter-departmental difficulties and lack of decision by the authorities as to who was to pay the benefits cannot become a ground for denial of the interest and therefore, the petitioners are entitled for grant of interest @6% per annum.

9. In view of the above, the present petition is partly allowed. The respondents are directed to release the interest @6% per annum to the petitioners starting from the date of their retirement plus two months till the date of actual disbursement in accordance with law within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

16.05.2024

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