

**CWP-3083-2023 1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(295)****CWP-3083-2023
Date of Decision : March 03, 2025****Sukhjinder Singh****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present: Mr. Amarjit Singh Bedi, Advocate, for the petitioner.****Mr. Malkiat Singh, DAG, Punjab.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance being raised by the petitioner is that though the petitioner retired from service on 28.02.2018 but his pensionary benefits were not released till January/April, 2021 hence, the respondents are liable to grant the interest to the petitioner for the delayed payment of the gratuity and leave encashment.

2. Learned counsel for the petitioner submits that the aforementioned claim regarding the interest has wrongly been rejected by the respondents while passing the order dated 09.08.2022, copy of which has been appended as Annexure P-14.

3. Learned counsel for the petitioner further submits that though at the time when the petitioner retired from service i.e. on 28.02.2018, there was an FIR No.126 of 2003 was pending against the petitioner but he was acquitted on 14.03.2018 hence, there was no valid justification with the respondents to withhold the pensionary benefits for another period of three years.

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4. Upon notice of motion, the respondents have appeared though no reply has been filed by the respondents.

5. Learned counsel for the respondents submits that the delay in releasing the pensionary benefits was attributable to the petitioner as he only filed an application for the release of the pensionary benefits on 05.03.2019 hence, the claim of the petitioner for the grant of interest has rightly been rejected.

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

7. Though, the respondents were justified in retaining the pensionary benefits after the petitioner retired on 28.02.2018 as an FIR No.126 of 2003 was pending against him but after the petitioner was acquitted on 14.03.2018, there was no further valid justification to withhold the same by the respondents.

8. With regard to the argument that the petitioner applied for the release of the benefits on 05.03.2019, it may be noticed that despite the said fact admitted, the benefits withheld i.e. leave encashment and gratuity were released on 28.01.2021 and 19.04.2021 respectively. That being so, the benefits were released after a period of two years of even of the filing of the aforementioned application. No reason has come on record as to why the respondents took two years to release the leave encashment and gratuity even after the petitioner filed an application in the year 2019.

9. As per the judgment of the Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, an employee will be entitled for the interest on an amount which has been retained by the

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respondents without any valid justification. 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.”

10. In the present case, there is no valid justification which has come on record for withholding the pensionary benefits of the petitioner for a period of two years despite application being filed in March 2019 hence, the petitioner is held entitled for interest @ 6% per annum on the leave encashment as well as the gratuity starting from 01.04.2019 onwards till the actual date of payment of the same. Let the interest for which the petitioner is entitled for, be released to him within a period of eight weeks from the date of receipt of copy of this order.

11. The present writ petition is disposed of in above terms.

March 03, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No