



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-3562-2023

Date of decision : 03.12.2025

Mohan Lal Goyal

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to revise the pension of the wife of the petitioner as per the recommendations of the Pay Commission in a time bound manner and issue the PPO as the same is pending since 03.02.2022 in the office of respondent No.3 and to grant arrears, along with interest @ 18% per annum to the petitioner.

2. Brief facts of the case, as pleaded in the petition, are that the wife of the petitioner Smt. Shashi Bala was working as Junior Assistant and retired as such, on attaining the age of superannuation, on 30.04.2016 from the office of respondent No.2. However, unfortunately she died on 21.05.2019. After her death, the family pension @ Rs.6,090/- was made admissible to the petitioner. Thereafter, the State Government issued Notification dated 29.10.2021 for implementation of

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the recommendations of the 6th Pay Commission and for revision of pension of the retired employees. In terms of the said notification, the case for revision of pension admissible to the petitioner has been sent to the concerned authorities, however, no action has been taken on the same by the office of respondent No.3. Thereafter, the petitioner made representations dated 03.11.2022, 02.01.2023 & 06.02.2023 (Annexures P-4, P-6 & P-8) requesting for revision of pension but to no avail. Hence, the instant petition.

3. Learned State counsel submits that as during the pendency of the present petition, the pension admissible to the petitioner has been revised and payment of arrears of revised pension has also been repayed to the petitioner, therefore, the instant petition has been rendered infructuous.

4. In response thereto, learned counsel for the petitioner submits that although, during the pendency of the present petition, the pension has been revised and payment of arrears of revised pension has been released on 01.07.2023, however, as per Notification dated 29.10.2021 (Annexure R-1), the pension was liable to be revised in a reasonable time after the issuance of the said notification and since there is a considerable delay in releasing the revised pension of the petitioner, therefore, he is entitled for grant of interest thereon.

5. I have heard learned counsel for the parties and perused the relevant documents.

6. It is not disputed that wife of the petitioner Smt. Shashi Bala was working as Junior Assistant and retired as such on 30.04.2016



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from the office of respondent No.2 and thereafter, unfortunately died on 21.05.2019. The State Government issued Notification dated 29.10.2021 for implementation of the recommendations of the 6th Pay Commission and for revision of pension of the retired employees. In terms of the said notification, the petitioner was entitled for grant of benefit of the revised pension in a reasonable time after the issuance of the said notification, however, the payment of arrears of revised pension has been made to the petitioner on 01.07.2023.

7. In the written statement filed on behalf of respondents No.1 & 2, it has been stated as under :-

“xx xx xx xx xx

4. That the notification regarding the 6th pay commission to the retirees was issued on 29/10/2021 which is Annexure-R1. In accordance with the pay commission notification for implementation the case for revision of pension was sent to office of Respondant No.3 by Respondent No.2 vide letter no.217 dated 3/2/2022 for revision of pension of wife of petitioner. So, the said case was sent timely without any delay. Copy of letter no.217 dated 3/2/2022 is Annexure-R2.

5. That office of respondent no.3 sent the above said case to the office of respondent no.2 vide letter no.PENO8/CH-6/PE/15/22/60533386/1522478758/PE/22/15/80508992 dated 01.07.2022 by raising objection which was received by the Office of respondent no.2 on 13.07.2022. Copy of letter no.PENO8/CH-6/PE/15/22/60533386/1522478758/PE/22/15/80508992 dated 01.07.2022 is Annexure R-3.

6. That after removing the objection raised by the office of respondent no.3, respondent no.2 sent the above said pension case for approval to the office of respondent no.3 vide letter no.1544 dated 18.07.2022, the copy of the letter herewith as Annexure R-4. Approval has also been given by Office of respondent no.3 regarding the pension case of wife of the petitioner on 31/05/2023, the photocopy placed as annexure R-5. In this regard, the office of Senior



Medical Officer Civil Hospital, Sunam had sent intimation to respondent no.2 as well as petitioner vide letter dated 14.06.2023 Annexure R-6. The payment of the pension has been made to petitioner on 1/7/2023.

xx xx xx xx xx”

8. Perusal of the averments made above would show that the case of the petitioner for revision of pension remained pending in the office of respondents No.2 & 3 and finally the pension admissible to the petitioner has been revised and arrears have been paid on 01.07.2023. Since there is a considerable delay in releasing the arrears of revised pension, therefore, the petitioner cannot be denied the benefit of interest on the delayed payment of arrears as per settled principles of law.

9. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab : 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 the said judgment is as under:-

“8. 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. xx xx xx xx”



10. Apart from this, in *J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355*, this Court had 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: -

“5. xx xx xx xx 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 laying 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.”

11. 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 on the delayed payment of arrears of revised pension, to the petitioner w.e.f. 29.01.2022 (i.e. after three months of issuance of notification dated 29.10.2021) till the actual date of payment, within a period of 02 months from the date of receipt of certified copy of this order.

03.12.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No