IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-4348-2024
Date of decision : 04.12.2025

Dr. Sushank Sood .....Petitioner

V/S

State of Punjab and others ....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Swapan Shorey, D.A.G., Punjab.

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NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226 and 227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to pay interest @ 9% per annum on the delayed payment of retiral benefits.

2. Brief facts of the case, as have been pleaded in the petition, are that the petitioner had joined his services with the Punjab State Health and Family Welfare Department on 11.03.1999 and he served the said department for more than 22 years. Due to some unavoidable circumstances, the petitioner was not able to continue his services, therefore, he submitted three months advance notice on 18.12.2021 seeking voluntary retirement w.e.f. 17.03.2022. However, the said notice remained pending with the department and the petitioner was forced to continue his service. Thereafter, the petitioner again requested the higher authorities to take final decision on his three months advance

notice and finally, the Worthy Governor of Punjab accepted the said notice, vide order dated 03.08.2022 (Annexure P-1) and in pursuant to the said order, the petitioner was relieved from duty on 08.08.2022. Although, the petitioner had submitted all the requisite documents as sought by the respondents within time, however, his retiral benefits have been released after a considerable delay. Thereafter, the petitioner submitted representation dated 12.02.2024 (Annexure P-2) to the respondents seeking interest @ 9% per annum on the delayed payment of retiral benefits but to no avail. Hence, the instant petition.

3. Reply by way of an affidavit of Dr. Ranjit Singh Rai, Civil Surgeon, Mansa, Punjab on behalf of respondents No.1 to 3 has been filed, wherein it has been stated as under :-

> *"xx xx xx xx xx*
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> *5. That the brief facts of the case are that the petitioner had joined his services with the respondent Department on 11.03.1999. The petitioner had served a three month notice for seeking voluntary retirement vide letter dated 18.12.2021. The said notice was considered by the competent authority (Respondent no 2) and raised certain objections regarding surety bond vide letter dated 21.02.2022. The petitioner was discharged from surety bond vide letter dated 27.06.2022 and necessary entries was made in the service book of the petitioner. Thereafter, the said notice was accepted by the competent authority vide order dated 03.08.2022.*
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> *6. That it is submitted that Civil Surgeon, Mansa had received request dated 16.09.2022 from petitioner in respect of pending service verification for period 01.06.2004 to 09.06.2004 of office of Civil Surgeon Patiala and same was sent vide letter No.1588*

dated 16.09.2022 to office of Civil Surgeon Patiala and Subsequently SMO, Civil Hospital Mansa wrote a Letter No.5876 dated 21.09.2022 and Letter No.126 dated 11.01.2023 to the office of Civil Surgeon Patiala to send service verification as the service verification for the period of 01.06.2004 to 09.06.2004 was pending. Therefore, the pension case of the petitioner could not be processed. Thereafter, the petitioner had served a legal notice to the department. The legal notice was duly considered by the competent authority.

7. That it is submitted that in order to avoid delay a self-declaration and attendance record was obtained from the petitioner and after completion of all paper formalities, the pension case of the petitioner was sent to the office of Accountant General, Punjab for sanction vide letter dated 05.05.2023 thereafter, the office of Accountant General, Punjab vide letter dated 01.06.2023 approved/sanctioned the pension case of the petitioner.

8. That after the receipt of above mentioned approval from the office of Accountant General, Punjab, the case of the petitioner was forwarded to the office of District Treasury Officer, Mansa for releasing final payments to the petitioner vide letter dated 12.06.2023. Thereafter, the payments of pensionary benefits such as Regular pension and Gratuity and commuted pension had been disbursed by the concerned treasury office to the petitioner.

It is pertinent to mentioned here that the payment of GPF, GIS, Leave Encashment was made to the petitioner at the time of retirement with in time without any delay.

9. That from the above submissions, it is evident that there is no intentional or willful delay on the part of the department in releasing the payment of pension and gratuity. The only reason for some delay was that the service verification was pending in the service book.

However, after completion of all the paper formalities as mentioned above, the pension case was processed and payments had been made to the petitioner. Therefore, the present writ petition has no merits and as such liable to be dismissed being devoid of merits.

xx xx xx xx xx"

4. Learned State counsel, while referring to the averments made in the reply filed on behalf of the respondents, submits that the delay occurred in releasing the retiral benefits of the petitioner is entirely procedural and not intentional. Therefore, the petitioner is not entitled for any interest.

5. I have heard learned State counsel and have gone through the relevant documents.

6. Admittedly, the petitioner stood voluntary retired from service on 08.08.2022 and no departmental/criminal proceedings were pending against the petitioner before or after his retirement, therefore, he was entitled for the release of his retiral benefits immediately after his retirement, whereas his retiral dues have been released on the following dates :-

Sr. No.	**Head under which payment has been released**	**Date of payment**	**Amount**
1.	Leave Encashment	10.02.2023	23,88,480/-
2.	G.P.F.	22.03.2023	25,36,291/-
3.	Gratuity	03.10.2023	20,00,000/-
4.	Commuted Pension	03.10.2023	39,44,575/-
5.	Arrears of Pension Due From 08.08.2022	03.10.2023	1,04,255/-

7. Since there is a considerable delay in releasing the pensionary benefits of the petitioner, therefore, he cannot be denied the benefit of interest on the delayed payment of retiral dues as per settled principles of law.

8. 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 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 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"*

9. 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."*

10. 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 @ 7% per annum on the delayed payment of retiral benefits, to the petitioner w.e.f. 08.08.2022 (i.e. the date when the petitioner relieved from duty after taking voluntary retirement) till the actual date of payments, within a period of 02 months from the date of receipt of certified copy of this order.

04.12.2025 **(NAMIT KUMAR)**
kothiyal **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No