124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:035582-DB

CWP-6960-2025 (O&M)
Date of Decision: 12.03.2025

Chandigarh Administration and others …Petitioners

versus

Renu Puri and another …Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sumeet Jain, Addl. Standing Counsel with
Mr. Himanshu Arora, Advocate for the petitioners.

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SANJEEV PRAKASH SHARMA, J. (Oral)

1. The arguments being advanced by learned counsel while assailing the order passed by the Central Administrative Tribunal, Chandigarh Bench, directing for release of interest on the delayed payment of retiral benefits, is that it was the duty of the public servant to have submitted pension papers six months before retirement.

2. We find that the argument is misconceived. This Court in the case of ***A.S. Randhawa v. State of Punjab***, CWP-2883-1997, decided on 16.05.1997, has considered all aspects and passed an order which has been noticed by the Tribunal in its judgment in para No.4. The Tribunal has also noticed as under:-

> *"This Tribunal has considered the matter. The Hon'ble High Court has specifically held that normally retiral benefits shall be paid to applicant within a period of two months from the due date. In the instant case, GPF was paid in the account of applicant on 30.05.2019 meaning thereby, after a period of three months. From the pleadings, it is clear that there is delay of one month which has been duly explained by the respondents. So far as leave encashment is concerned, there is delay of 7*

months. AG has specifically stated that there is no role of them. The applicant is thus, entitled for interest for delay of 5 months @ GPF for leave encashment. Retiral pension has been paid to applicant after 11 months. From the reply of respondents, it is clear that pension papers were lying in the office of Directorate for about 4 months. There is no explanation on behalf of Directorate for delay of 4 months. Resultantly, the applicant is entitled for interest of retiral pension for 9 months @ GPF. Gratuity was paid to applicant after 11 months and the Directorate has not explained for the delay as the pension papers were lying in their office for about 4 months. Resultantly, there is delay on the part of Department and the applicant is also entitled for interest @ GPF for 9 months. The applicant retired on 28.02.2019 and Rs. 65,134/- has been recovered by the respondents on 20.12.2019 on account of reduction of pay, that too after retirement. The respondents have nowhere, shown that the excess amount has been paid due to the misrepresentation of the applicant. Hence, in view of law settled by the Hon'ble Apex Court in the matter of Thomas Daniel (Supra), the excess amount cannot be recovered. So, the applicant is also entitled for refund of Rs. 65,134/-."

3. The pay of the respondent was revised after her retirement on 20.12.2019. Thus, it is at the end of the petitioners that they have delayed the payment process. The Tribunal has also noticed the factual aspect of the pension papers lying with the directorate for four months without any processing being done.

4. In ***Thomas Daniel vs State of Kerala and others*** 2022 INSC 498, Hon'ble the Supreme Court held as under:-

"(9) This Court in a catena of decisions has consistently held that if the excess amount was not paid on account of any misrepresentation or fraud of the employee or if such excess payment was made by the employer by applying a wrong

principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order which is subsequently found to be erroneous, such excess payment of emoluments or allowances are not recoverable. This relief against the recovery is granted not because of any right of the employees but in equity, exercising judicial discretion to provide relief to the employees from the hardship that will be caused if the recovery is ordered. This Court has further held that if in a given case, it is proved that an employee had knowledge that the payment received was in excess of what was due or wrongly paid, or in cases where error is detected or corrected within a short time of wrong payment, the matter being in the realm of judicial discretion, the courts may on the facts and circumstances of any particular case order for recovery of amount paid in excess."

5. In view thereto, the directions issued by the Tribunal directing payment of interest on delayed payment of GPF, leave encashment, retiral pension and gratuity and also to refund the amount, cannot be said to be in any manner unjustified or illegal.

6. The writ petition being without merit is accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

12.03.2025
Rajesh/vs

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No