



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

**CWP-8046-2022 (O&M)
Reserved on 28.11.2025
Pronounced on 09.12.2025
Uploaded on 10.12.2025**

Hardev Singh Sodhi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. G.S. Bal, Sr. Advocate with
Ms. Gurneet Kaur, Advocate and
Mr. Avtar Singh, Advocate
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

NAMIT KUMAR, J.

1. The petitioner, who is a person with disability (PwD) having disability of more than 75% on the upper right limb, has approached this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the order dated 21.11.2019 (Annexure P-11), whereby while reviewing the order dated 17.10.2018 (Annexure P-9), the arrears of pay for the period from 01.06.2014 to 31.05.2015 have been declined. Further, a writ of mandamus has been sought for grant of arrears for the said period, along with 18% compound interest, and also for grant of interest on the delayed payments of retiral benefits.

2. The brief facts, which are necessary for the adjudication of the present *lis*, are that the petitioner was selected and appointed as

Block Development and Panchayat Officer in Rural Development and Panchayats Department, Punjab, against Handicapped Quota and joined as such on 01.06.2001. While the petitioner was in service, an FIR No.92 dated 08.06.2004 under Sections 467, 468, 471 IPC was registered at Police Station Division No.7, Ludhiana against the petitioner and one Rattanjit Kaur daughter of Sh. Balwant Singh. Thereafter, the petitioner and Rattanjit Kaur were convicted and sentenced by learned Judicial Magistrate 1st Class, Ludhiana, vide judgment of conviction and order of sentence dated 23.08.2012, to undergo rigorous imprisonment for 02 years with a fine of Rs.5,000/- and in default thereof to further undergo rigorous imprisonment for 06 months. The petitioner filed an appeal against the said judgement of conviction and order of sentence dated 23.08.2012 before the learned Additional Sessions Judge, Ludhiana and the conviction and sentence of the petitioner was stayed vide order dated 11.03.2014 (Annexure P-5).

3. On the basis of the afore-mentioned conviction and sentence, the petitioner was dismissed from service vide order dated 30.05.2014 (Annexure P-6), without considering the fact that the judgment of conviction and order of sentence has already been stayed. The said order was challenged by the petitioner before this Court by filing CWP No.12071 of 2014 (Hardev Singh Sodhi Vs. State of Punjab and another) and during the pendency of said writ petition, the appeal preferred by the petitioner against conviction was disposed of by the learned Appellate Court vide judgement dated 12.02.2015 and the petitioner was acquitted from the charge framed under Section 467 of

IPC but his conviction under Sections 468 and 471 of IPC was maintained, and the petitioner was ordered to be released on probation for a period of 02 years after furnishing probation bonds of Rs.20,000/- with one surety of the like amount.

4. The Writ Petition filed by the petitioner against the order of dismissal was disposed of by this Court, vide judgement dated 29.11.2017 (Annexure P-7) by observing as under :-

“There is no dispute as regards the factual position that the impugned order of dismissal was passed solely upon conviction of the petitioner. It has been conceded by learned State counsel that no separate departmental proceeding had been initiated against the petitioner.

Having heard counsel for the parties at length, this Court is of the considered view that the impugned order of dismissal dated 30.05.2014 (Annexure P-5) cannot sustain and a case is made out for remand to the competent authority for passing an order afresh.

Such view is being taken for the following reasons:

In the impugned order, it has been recited that in pursuance to an appeal preferred by the petitioner against his conviction, only, the sentence imposed upon him has been suspended by the Appellate Court. Such observation and finding is perverse. In this regard, a reference may be made to the order dated 11.03.2014 passed by learned Additional Sessions Judge, Ludhiana and placed on record and appended as Annexure P-3 along with the writ petition and the operative part of which reads in the following terms.

*“Perusal of the judgment of learned trial-court reveals that there is a dispute between two private parties qua the execution of the will dated 4.1.1996 and as per the allegations, the present appellant Hardev Singh signed that will as a witness. So as per the allegations, the conviction of the present appellant is not relating to his official duty and in such a situation, the Hon'ble High Court of Punjab and Haryana in case titled as **Jasvir Singh Vs. State of Punjab 2009(4) Criminal Court Cases Page 525** has held that stay of conviction during the pendency of appeal is permissive. Hence, this application is allowed and operation of conviction and order to sentence under appeal dated 23.8.2012 passed by the court of Ld. Judicial Magistrate I Class,*

Ludhiana is hereby stayed till the disposal of this appeal.

This appeal is not listed for arguments. Now adjourned to 23.4.2014 for arguments.

*Sd/-
Sukhdev Singh
Addl. Sessions Judge,
Ludhiana 11.3.2014”*

Clearly, it was not only the order of sentence but conviction itself had been stayed by the Appellate Court.

On a pointed query having been put to learned State counsel, it stands admitted that State had not preferred any appeal/revision against the order of staying conviction of the petitioner. Under such circumstances, the very basis of passing of the impugned order of dismissal does not exist. Order of dismissal dated 30.05.2014 (Annexure P-5) is accordingly set aside.

There is yet another aspect which would require notice. Against the judgment of conviction, two separate appeals arose i.e one on behalf of the present petitioner and the second on behalf of co-accused/convict Rattanjit Kaur. Both the criminal appeals bearing No. 156 dated 01.09.2012 (Rattanjit Kaur and others Vs. State of Punjab) and criminal appeal No. 158 dated 08.09.2012 (Hardev Singh Vs State) came to be decided by the Appellate Court vide common judgment dated 12.02.2015, which has been placed on record today as Annexure P-9. Perusal of the same reveals that the appeals preferred by the present petitioner as also Rattanjit Kaur, co-accused/convict have been partly accepted and they stand acquitted from the charge under Section 467 IPC but their conviction under Sections 468, 471 IPC has been maintained. However, considering the circumstances of the case, the petitioner as also Rattanjit Kaur, have been ordered to be released on probation for a period of 2 years upon furnishing requisite probation bonds with one surety of the like amount.

In other words, even though the petitioner as of date stands convicted for offences under Sections 468, 471 IPC, but he has been granted benefit of probation.

Section 12 of the Probation of Offenders Act, 1958 reads in the following terms:

12. Removal of disqualification attaching to conviction.— *Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:*

Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence.

Keeping in view the facts discussed above, wherein an order of dismissal had been passed erroneously on the basis that the only order of sentence had been suspended as opposed to his conviction having been stayed vide order dated 11.03.2014 and coupled with the fact that even though the petitioner as of date stands convicted for offences under Sections 468, 471 IPC but has been granted benefit of probation, the instant writ petition is disposed of with the directions to respondent No. 1 to pass an order afresh in the matter.

The exercise of re-consideration and passing of the order afresh be completed with within a period of two months from the date of receipt of a certified copy of this order.

It is, however, made clear that the petitioner would not be released the consequential benefits upon setting aside of the impugned order dated 30.05.2014 (Annexure P-5) and the same would be subject to outcome of the fresh order that is to be passed as directed by this Court.

Disposed of.”

5. In pursuance to the said order, respondent No.1 passed order dated 17.07.2018 (Annexure R-2) granting all the pensionary benefits to the petitioner upto 31.05.2014 by observing as under:-

“5. In spite of the above said facts of this case, a departmental committee was constituted to report in this matter. This committee, after considering the order of High Court dated 29.11.2017 and advice of A.G. Punjab submitted its report that the petitioner should be retired from service and release his pensionary benefit.

Accordingly matter was submitted to the competent authority and competent authority agreed to retire the petitioner from Govt. Service and release his pensionary benefits. Thus Sh. Hardev Singh Sodhi, BDPO, was ordered to be retired on 31.05.2014 and released his pensionary benefits.

SAS Nagar

(ANURAG VERMA)

*Dated 17.07.2018 Financial Commissioner & Secretary,
Rural Development & Panchayat
Department Punjab.”*

6. Thereafter, the petitioner submitted representation dated 23.07.2018 by stating that he was employed in the disabled category and the Hon'ble Supreme Court has extended the period of age in service as 60 years and as such, he be reinstated from 30.05.2014 on duty and be retired on 31.05.2015. The said representation of the petitioner was accepted by respondent No.1, vide order dated 17.10.2018 (Annexure P-9), by granting all the due benefits of service to the petitioner upto 31.05.2015 (completion of 60 years of age in service). The concluding para of the said order reads as under:-

“7. That Hon'ble Supreme Court has decided the SLP No. 10610 of 2013 in favour of Sh. Hardev Singh Sodhi, Block Development and Panchayat officer (Retd.). In the light of this decision, as per the directions of the Personnel Department issued vide bearing No.17/20/2010-2PP/2/132 dated 19.11.2014, the age of the retirement of the disabled employees has been extended upto 60 years.

8. That this department while giving the extension of one year in the service of Sh. Hardev Singh Sodhi, Block Development and Panchayat officer had imposed condition that in case Hon'ble Supreme Court decide the case in his favour then action shall be taken accordingly. In such a situation, after consideration by the competent authority, in the light of the decision of the Hon'ble Supreme Court and in the light of instructions issued by the Personnel Development, Sh. Hardev Singh Sodhi, Block Development and Panchayat Officer is being retired from 31.05.2015 with all the benefits of service.

*SAS Nagar
Dated 17.10.2018*

*Sd/- Anurag Verma
Financial Commissioner &
Secretary to Punjab Government,
Rural Development and Panchayat
Department.”*

7. Since the necessary benefits arising out of the orders dated 17.07.2018 (Annexure R-2) and 17.10.2018 (Annexure P-9) were not

released to the petitioner, therefore, he submitted an application dated 09.08.2019 for releasing the said benefits. However, respondent No.1, vide order dated 21.11.2019 (Annexure P-11) reviewed the earlier order dated 17.10.2018 (Annexure P-9) and denied the benefit of pay and allowances for the period from 01.06.2014 to 31.05.2015 on the ground that the petitioner has not performed duties during the said period on the principle of 'no work no pay'. Thereafter, the petitioner submitted an application dated 17.03.2021 (Annexure P-12) for reviewing the order dated 21.11.2019, however, the said application has been rejected by the respondents vide order dated 12.05.2022 (Annexure R-4), which has been passed after the filing of the present petition.

8. Aggrieved against the order dated 21.11.2019 (Annexure P-11), the petitioner has filed the instant petition. The petitioner is further claiming interest on the delayed payment(s) of retiral dues and in para 12 of the writ petition, the details of the amounts received by the petitioner have been given, which read as under:-

Details	Amount Rs.	Due on	Paid	Interest @ 12@	Interest @ 18%
Gratuity	9,54,888/-	30.09.2015	17.03.2021	6,39,775/-	9,59,641/-
Leave Encashment	1,08,028/-	30.09.2015	28.09.2020	65,880/-	0,98,820/-
Pension	Prov./ Regular	01.07.2015	17.01.2020/ 13.04.2021	3,61,538/-	7,23,075/-
Salary	7,00,000/-	1.05.2015	Till date	5,88,000/-	8,82,000/-
Total					26,43,536/-

9. Reply by way of affidavit of Ms. Baljinder Kaur, Under Secretary to Government of Punjab, Department of Rural Development and Panchayats, Punjab, on behalf of respondents No.1 and 2, has been filed, wherein the factual position, as narrated above, has not been

disputed, however, it has been stated that before passing the impugned order advice of Legal Remembrancer, Department of Legal and Legislative Affairs, Punjab, was sought and on the basis of the said advice, the impugned order has been passed and keeping in view the law laid down by the Hon'ble Supreme Court in ***Paluru Ramkrishnaniah Vs. Union of India : 1989(2) SCC 541***, the petitioner is not entitled for the grant of salary for the period from 01.06.2014 to 31.05.2015 as he remained dismissed from his services and did not work during the said period.

10. Learned senior counsel for the petitioner submitted that vide orders dated 17.07.2018 (Annexure R-2) and 17.10.2018 (Annexure P-9), the petitioner has been held entitled for all the service benefits, including pay and allowances for the period from 01.06.2014 to 31.05.2015, however, the order dated 17.10.2018 has been reviewed by the same authority (successor in office), vide order dated 21.11.2019 (Annexure P-11) wherein it has been stated that the petitioner is not entitled for the salary for the period from 01.06.2014 to 31.05.2015. He submitted that the successor in office cannot review the orders passed by his predecessor. He further submitted that principle of 'no work no pay' would not be applicable in the present case as the petitioner was willing to perform his duties, however, he was divested by the respondents and, therefore, cannot be denied the pay and allowances for the said period. He further submitted that while passing the said order neither any show cause notice was issued to the petitioner nor an opportunity of personal hearing was afforded and the same was passed in violation of the principles of natural justice. He further submitted

that since the retiral dues of the petitioner have been released after a considerable delay, therefore, he is entitled for grant of interest on the delayed payment(s) of pensionary dues in view of the law laid down by a Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab : 1997(3) S.C.T. 468* and a Coordinate Bench in *J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355*.

11. *Per contra*, learned State counsel vehemently opposed the claim of the petitioner by submitting that the petitioner has not performed his duties for the period from 01.06.2014 to 31.05.2015, therefore, he is not entitled for the grant of pay and allowances for the said period and since the matter was pending before this Court and in the Appellate Court, therefore, although some delay has occurred in releasing the pensionary benefits of the petitioner but the said delay is not intentional, and therefore, the petitioner is not entitled for grant of interest on the delayed payment of pensionary benefits.

12. I have heard learned counsel for the parties and perused the record.

13. The only question that arises for determination in the present case is as to whether the petitioner is entitled for the grant of pay and allowances for the period from 01.06.2014 to 31.05.2015 and interest on the delayed payment(s) of pensionary benefits or not?

14. The facts are not in dispute that the petitioner was appointed as Block Development and Panchayat Officer in Rural Development and Panchayats Department, Punjab, against Handicapped Quota on 01.06.2001. While the petitioner was in service, an FIR No.92 dated 08.06.2004 under Sections 467, 468, 471 IPC was

registered at Police Station Division No.7, Ludhiana against the petitioner and one Rattanjit Kaur daughter of Sh. Balwant Singh and thereafter, the petitioner and Rattanjit Kaur were convicted and sentenced by learned Judicial Magistrate 1st Class, Ludhiana, vide judgment of conviction and order of sentence dated 23.08.2012 as detailed in the earlier part of this judgment. The petitioner filed an appeal against the judgement of conviction and order of sentence dated 23.08.2012 before the learned Additional Sessions Judge, Ludhiana and his conviction and sentence was stayed vide order dated 11.03.2014 (Annexure P-5).

15. Pursuant to his conviction, the petitioner was dismissed from service vide order dated 30.05.2014 (Annexure P-6) without considering the fact that the judgment of conviction and order of sentence had already been stayed. The said order was challenged by him before this Court by filing CWP No.12071 of 2014 (Hardev Singh Sodhi Vs. State of Punjab and another). In the meanwhile, the appeal preferred by the petitioner was disposed of by the learned Appellate Court, vide judgement dated 12.02.2015, and the petitioner was acquitted under Section 467 of IPC but his conviction under Sections 468 and 471 of IPC was maintained, and he was ordered to be released on probation. The writ petition filed by the petitioner against the order of dismissal, was partly allowed and was disposed of by this Court, vide judgement dated 29.11.2017 (Annexure P-7), by holding that the dismissal of the petitioner was ordered solely on the basis of conviction which was already stayed by the learned Additional Sessions Judge, Ludhiana, along with order of sentence and directions were issued to

the respondents to reconsider the matter and pass a fresh order. It was also observed that the petitioner would not be released the consequential benefits upon setting aside of the impugned order dated 30.05.2014 (Annexure P-5) and the same would be subject to outcome of the fresh order which is to be passed by the competent authority.

16. In pursuance to the said order, respondent No.1 passed an order dated 17.07.2018 (Annexure R-2) granting all the pensionary benefits to the petitioner upto 31.05.2014. Thereafter, the petitioner submitted representation dated 23.07.2018 and stated that he be reinstated from 01.06.2014 on duty and be retired on 31.05.2015 as he was employed in the disabled category and as per the judgment of the Hon'ble Supreme Court, the age of the retirement of the disabled employees has been extended upto 60 years. The said representation was accepted by respondent No.1, vide order dated 17.10.2018 (Annexure P-9), and the petitioner was granted all the due benefits of service upto 31.05.2015 (completion of 60 years of age in service). Since the benefits arising out of the orders dated 17.07.2018 (Annexure R-2) and 17.10.2018 (Annexure P-9) were not released by the respondents, the petitioner submitted an application dated 09.08.2019 for releasing the said benefits. However, respondent No.1, vide order dated 21.11.2019 (Annexure P-11), reviewed its earlier order dated 17.10.2018 (Annexure P-9) and denied the benefit of pay and allowances to the petitioner for the period from 01.06.2014 to 31.05.2015 on the principle of 'no work no pay'. Thereafter, the petitioner submitted an application dated 17.03.2021 (Annexure P-12) for reviewing the order dated 21.11.2019, however, the said application

has been rejected by the respondents vide order dated 12.05.2022 (Annexure R-4), during the pendency of the present petition.

17. The petitioner had earlier filed CWP No.13523 of 2012 (Hardev Singh Vs. State of Punjab and others) seeking benefit of two years of service being belonging to disabled category, in view of the instructions dated 16.02.1996 and 17.01.2001. The said writ petition was allowed by this Court vide order dated 01.12.2012 in terms of earlier judgment passed in CWP No.7233 of 2010 titled as Bhupinder Singh Vs. State of Punjab and others, decided on 25.05.2011 (Annexure P-1). LPA and SLP preferred against the said judgment were dismissed vide orders dated 14.01.2014 (Annexure P-3) and 16.09.2014 (Annexure P-4).

18. In the present case, the petitioner was held entitled for the pay and allowances and all the retiral dues upto 30.05.2015, vide order dated 17.07.2018 (Annexure R-2) and 17.10.2018 (Annexure P-9), however, the order dated 17.10.2018 (Annexure P-9) has been reviewed by the successor in office, vide order dated 21.11.2019 (Annexure P-11), in violation of the principles of natural justice, which is not permissible in law. Reliance in this regard can be placed upon judgment of this Court in ***Amit Kumar Chakraborty Vs. Haryana Power Generation Corporation Ltd. and others : 2024 NCPHHC 14268***, wherein it has been held that the successor in office cannot review the orders passed by his predecessor. To the similar effect are the judgments of a Coordinate Bench of this Court in ***CWP No.3046 of 2007 titled Hoshiar Singh and others Vs. State of Haryana and others, decided on 15.09.2010; Bachan Kaur Vs. Uttar Haryana Bijli***

Vitran Nigam Ltd. and others : 2025 NCPHHC 104333 and ***Gaganpreet Singh and others Vs. Punjab State Grains Procurement Corporation Ltd and others : 2025 NCPHHC 106692.***

19. Further, in the criminal case, the judgment of conviction and order of sentence was stayed by learned Additional Sessions Judge, Ludhiana, vide order dated 11.03.2014, and despite that, the petitioner was dismissed from service and thereafter the said criminal case was concluded by the Court of learned Additional Sessions Judge, Ludhiana, vide judgment dated 12.02.2015, whereby the petitioner was ordered to be released on probation and the writ petition filed by him challenging the order of dismissal was disposed of by this Court vide order date 29.11.2017, with a direction to the respondents to reconsider the matter afresh and in pursuance thereto vide orders dated 17.07.2018 (Annexure R-2) and 17.10.2018 (Annexure P-9), the petitioner was held entitled for all the service benefits including salary for the period from 01.06.2014 to 31.05.2015. Furthermore, the retiral dues of the petitioner were released in 2020/2021 signifying a prolonged and unjustified delay in releasing the said benefits.

20. The Hon'ble Supreme Court in ***Ramesh Kumar Vs. Union of India and others : 2015(3) SCT 704*** has held that the principle of 'no work no pay' would not be attracted where the department is at fault. In the said judgment, the petitioner therein was denied the monetary benefits on account of the retrospective promotion as he was not considered at an appropriate time when he became due for promotion and the same was withheld. The said judgment of the Hon'ble Supreme Court has been followed by a Division Bench of this

Court in *HVPNL, Panchkula and others Vs. Smt. Sheelawanti* :

2019(1) SCT 58, wherein it has been held as under:-

“11. On the contrary, learned single Judge while allowing the writ petition has placed reliance upon a later judgment of the Hon’ble Apex Court in the case of Ramesh Kumar vs. Union of India and others, 2015(3) SCT 704 : AIR 2015 Supreme Court 2904 wherein after considering the principle of ‘no work no pay’ and certain other earlier judgments it has been observed as under:-

“12. In normal circumstances when retrospective promotions are effected, all benefits flowing therefrom, including monetary benefits, must be extended to an employee who has been denied promotion earlier. So far as monetary benefits with regard to retrospective promotion is concerned that depends upon case to case. In State of Kerala & Ors. v. E.K. Bhaskaran Pillai, 2007(2) S.C.T. 757 : (2007) 6 SCC 524, this Court held that the principle of “no work no pay” cannot be accepted as a rule of thumb and the matter will have to be considered on a case to case basis and in para (4), it was held as under:-

“..... We have considered the decisions cited on behalf of both the sides. So far as the situation with regard to monetary benefits with retrospective promotion is concerned, that depends upon case to case. There are various facets which have to be considered. Sometimes in a case of departmental enquiry or in criminal case it depends on the authorities to grant full back wages or 50 per cent of back wages looking to the nature of delinquency involved in the matter or in criminal cases where the incumbent has been acquitted by giving benefit of doubt or full acquittal. Sometimes in the matter when the person is superseded and he has challenged the same before court or tribunal and he succeeds in that and direction is given for reconsideration of his case from the date persons junior to him were appointed, in that case the court may grant sometimes full benefits with retrospective effect and sometimes it may not. Particularly when the administration has wrongly denied his due then in that case he should be given full benefits including monetary benefit subject to there being any change in law or some other supervening factors. However, it is very difficult to set down any hard-and-fast rule. The principle “no work no pay” cannot be accepted as a rule of thumb. There are exceptions where courts have granted monetary

benefits also.”

After considering the law on the subject, the ratio of the said judgment is contained in paragraph 13 of the Reports which is quoted hereinbelow:

“13. We are conscious that even in the absence of statutory provision, normal rule is “no work no pay”. In appropriate cases, a court of law may take into account all the facts in their entirety and pass an appropriate order in consonance with law. The principle of “no work no pay” would not be attracted where the respondents were in fault in not considering the case of the appellant for promotion and not allowing the appellant to work on a post of Naib Subedar carrying higher pay scale. In the facts of the present case when the appellant was granted promotion w.e.f. 01.01.2000 with the ante-dated seniority from 01.08.1997 and maintaining his seniority alongwith his batchmates, it would be unjust to deny him higher pay and allowances in the promotional position of Naib Subedar.”

12. The Hon’ble Apex Court has made a categorical observation, which has been quoted hereinabove, that the principle of ‘no work no pay’ would not be attracted where respondents were at fault in not considering the case of the appellant for promotion and in not allowing the appellant to work on the post carrying a higher pay scale. Applying the aforesaid ratio laid down by the Hon’ble Apex Court, we find that learned single Judge, in the facts and circumstances of the case, has rightly allowed the writ petition and no fault can be found with the impugned judgment which may require any interference.”

21. To the same effect is the judgment of a Coordinate Bench of this Court in ***Dhyan Singh Vs. State of Haryana and others : 2020(2) SCT 518.***

22. Further, in ***Amit Kumar Chakraborty Vs. Haryana Power Generation Corporation Ltd. and others : 2024 NCPHHC 14268; CWP No.3046 of 2007 titled Hoshiar Singh and others Vs. State of Haryana and others, decided on 15.09.2010; Bachan Kaur Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others : 2025 NCPHHC 104333*** and ***Gaganpreet Singh and others Vs. Punjab State Grains***

Procurement Corporation Ltd and others : 2025 NCPHHC 106692, it has been held that successor in office cannot review the orders passed by his predecessor.

23. 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”

24. 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.”

25. Keeping in view the above factual position and settled principles of law, the present petition is allowed. The impugned order dated 21.11.2019 (Annexure P-11) is set aside and the petitioner is held entitled for the grant of pay and allowances for the period from 01.06.2014 to 31.05.2015 along with 7% interest per annum and also interest at the same rate on the delayed payment of pensionary benefits with effect from 01.09.2015 (after three months from the date of retirement) till its actual payment. The said benefits be calculated and released to the petitioner within a period of 03 months from the date of receipt of certified copy of this order.

09.12.2025

Vinay

**(NAMIT KUMAR)
JUDGE**

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