IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CWP-7350-2023
Date of decision : 11.12.2025

Rajinder Kumar .....Petitioner

V/S

State of Punjab and others ....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manmeet Singh Rana, Advocate with
Mr. Aaryan Kargwal, Advocate for the petitioner.

Mr. Satnampreet Singh Chauhan, 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 certiorari, quashing the order dated 09.06.2021 (Annexure P-2) passed by respondent No.2, whereby the claim of the petitioner for grant of interest on the delayed payment of retiral benefits has been rejected. Further, seeking a writ of mandamus, directing the respondents to release the interest @ 18% 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 joined the respondent-Department as Forest Guard on 20.05.1981. During his service tenure, the petitioner was promoted as Forester on 01.04.2003; as Deputy Ranger on 17.09.2008 and as Forest Ranger in the year 2015. The petitioner had attained the age of superannuation on 30.09.2019, however, he was given extension for one

year in service and ultimately, he retired from service on 30.09.2020. When the retiral benefits of the petitioner were not released in time, he had served a legal notice dated 28.12.2020, through his counsel, to the respondents for releasing his retiral benefits along with interest on the delayed payment of retiral benefits. After receiving the said legal notice, the respondent-Department had released the GPF to the petitioner on 28.01.2021. Thereafter, the petitioner had submitted representation dated 30.01.2021 to the respondents for releasing his remaining retiral benefits along with interest. After receiving the said representation, the respondent-Department had paid the leave encashment on 05.03.2021 and gratuity on 18.05.2021 to the petitioner, however, no interest was paid on the delayed payment of retiral benefits. Thereafter, the petitioner had approached this Court by filing CWP No.3495 of 2021 (Rajinder Kumar Vs. State of Punjab and others) which was disposed of by this Court, vide order dated 15.02.2021 (Annexure P-1), with a direction to respondent No.2 to decide the representation dated 30.01.2021 submitted by the petitioner by passing a speaking order. In pursuant to the said order, respondent No.2 passed the impugned order dated 09.06.2021 (Annexure P-2) rejecting the claim of the petitioner. Hence, the instant petition.

3. Reply by way of an affidavit of Sh. Vikram Singh Kundra, IFS, Divisional Forest Officer, Wild Life Division, Phillaur, Teshil Phillaur, District Jalandhar, on behalf of respondents No.1 to 3 has been filed, wherein it has been stated as under :-

"xx xx xx xx xx

7. That whereas Pension and other Pensionary Benefits are concerned it is informed that, as because of posting of petitioner at Divisional Forest Office (WL) Hoshiarpur, this office had written a letter no. 1689 dated 14.09.2020 (Annexure R-4) to Wildlife division office, Hoshiarpur for giving the record to this office for timely release of the retiral benefits to the petitioner. Vide letter no. 563 dated 31.07.2020 (Annexure R-5), Service book of the petitioner was received by this office vide letter no. 961 dated 30.09.2020 (Annexure R-6).

8. That it is pertinent to mention here that, with regard to the pension case of the petitioner it is informed that the petitioner was transferred from Wildlife Division, Hoshiarpur to Wildlife Division, Phillaur on 29.05.2020 and the Wildlife Division Office, Phillaur had written a letter vide no. 1000 dated 15.07.2020 (Annexure R-7) to Wildlife Division Office, Hoshiarpur for sending the service book of the petitioner. That Wildlife Division Office, Phillaur had received the service book of the petitioner on 01.10.2020 vide letter 961 dated 30.09.2020 (Annexure R-6) sent by Wildlife Division Office, Hoshiarpur. Thereafter, the pension case of the petitioner was sent to the Accountant General, Punjab, Chandigarh vide letter no. 2389 dated 11.11.2020 (Annexure R-8) and was received back by Wildlife Division Office, Phillaur on dated 15-02-2021 vide Accountant General, Punjab, Chandigarh letter no. PEN02/intimation/20 21/PE/21/10/ 80290167 dated 09.02.2021 (Annexure R-9).

xx xx xx xx xx"

4. Learned counsel for the petitioner submits that the petitioner retired from service on 30.09.2020 whereas, the G.P.F. amount has been paid to the petitioner on 28.01.2021; Leave

Encashment amount has been paid on 05.03.2021 and gratuity amount has been paid on 18.05.2021. He submits that since there is a considerable delay in releasing the retiral benefits of the petitioner, therefore, he is entitled for interest on the delayed payment of retiral benefits.

5. Per contra, learned State counsel, while referring to the averments made in the reply filed on behalf of respondents No.1 to 3, 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.

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

7. Admittedly, the petitioner retired from service on 30.09.2020, on attaining the age of superannuation and after availing the extension of one year in service and no departmental/criminal proceedings were pending against him before or after his retirement, therefore, he was entitled for the release of his retiral benefits immediately after his retirement. Although, the G.P.F. and Leave Encashment have been released to the petitioner well in time i.e. within a period of 05 months from his retirement, however, the gratuity has been released to the petitioner on 18.05.2021 i.e. after a period of about 08 months of his retirement. Since there is a considerable delay in releasing the gratuity of the petitioner, therefore, the petitioner cannot be denied the benefit of interest on the delayed payment of gratuity 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 gratuity, to the petitioner w.e.f. 01.12.2020 (i.e. after two months of the retirement of the petitioner) till the actual date of payment, within a period of 01 month from the date of receipt of certified copy of this order.

11.12.2025 **(NAMIT KUMAR)**
kothiyal **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No