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

**252** **CWP-9766-2020 (O&M)**
**Date of decision : 13.02.2025**

**ASHOK KUMAR**

**...... Petitioner**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...... Respondents**

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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Present :- Mr. Rajinder Yadav, Advocate for
Mr. Mukesh Singh, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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**<u>Harsimran Singh Sethi, J. (Oral)</u>**

1. In the present petition, the grievance being raised by the petitioner is that the petitioner retired from service on attaining the age of superannuation on 30.11.2017 but all his retiral benefits, were not released within a period of two months as per the the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*** hence, the petitioner is liable to be compensated by the grant of interest on the delayed release of the retiral benefits.

2. Upon notice of motion, the respondents have filed the reply and in paragraph 7 of the reply, the details of the payments released to the

petitioner have been depicted.

3. Learned counsel for the respondent submits that the delay in release of the retiral benefits was procedural and not intentional and all the payments due to the petitioner have been released.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. A bare perusal of the chart in para No.7 of reply would show that delay in releasing the payment with regard to the retiral benefits is more than 2 months.

6. As per the judgment of the Full Bench of this Court in **A.S. Randhawa** (supra), in case there is no impediment in the release of the pensionary benefits, the same are required to be released within a period of two months of the retirement failing which, the employee concerned will be entitled for interest on the said delayed amount. Hence the respondents are under obligation to grant interest on the delayed release of pensionary benefits. The relevant paragraph of said judgment is as under:-

> *"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 front 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."*

7. Apart from this, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355,*** had held that any amount which has been delayed by the respondents and used to their benefits, the employee is entitled for interest. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

*"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 lying 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."*

8. Keeping in view the above settled principle of law, which has gone unrebutted at the hands of the respondents coupled with the fact that respondents have merely stated that the delay is procedural and not intentional which is not a good ground to withhold the pensionary benefits, the petitioner is held entitled for interest on the delayed release of the pensionary benefits as well as the arrears of increment which were given to him at the rate of 6% per annum from the date the petitioner retired from service till the actual payment was released. Let the order be complied with within a period of 8 weeks of the receipt of copy of this order.

9. Present petition is disposed of with the above said observations.

10. Pending applications, if any, also stand disposed of accordingly.

**(HARSIMRAN SINGH SETHI)**
**JUDGE**

**13.02.2025**
Rimpal

Whether speaking/reasoned Yes
Whether Reportable : No