



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

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CWP-13861-2021

Date of decision : 01.12.2025

Tarsem Masih

.....Petitioner

V/S

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Charanpreet Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the retiral benefits of the petitioner such as gratuity, leave encashment, pension etc. along with interest @ 12% per annum on the delayed payment of retiral benefits and to drop the chargesheet dated 10.01.2018 (Annexure P-5) issued to the petitioner for absence from duty on 06.11.2017.

2. Brief facts of the case, as have been pleaded in the petition, are that the petitioner served as Tehsil Welfare Officer in the Department of Social Justice, Empowerment and Minorities, Punjab. During his service, the petitioner remained on medical leave w.e.f. 19.06.2017 to 25.11.2017 as he suffered from paralysis attack and thereafter, he remained on earned leave w.e.f. 26.11.2017 to 01.04.2018.

The said medical/earned leaves were sanctioned by the Director,

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Department of Social Justice, Empowerment and Minorities, Punjab vide letters dated 09.08.2017, 25.09.2017, 19.06.2018 and 25.06.2018 (Annexures P-1 to P-4). On 10.01.2018, a chargesheet (Annexure P-5) under Rule 10 for imposing minor punishment was issued to the petitioner with the charge that on 06.11.2017, the petitioner did not participate in Training conducted by the Department regarding Dr. B.R. Ambedkar Portal, at MGSIPA, Punjab, Sector 26, Chandigarh and the said chargesheet was not served upon the petitioner. Although, the petitioner retired from service, on attaining the age of superannuation, on 30.07.2020, however, he has not been released any pensionary benefits due to pendency of the above-said chargesheet. Thereafter, on coming to know about the said chargesheet, the petitioner filed replies dated 24.07.2020 & 01.04.2021 to the abovesaid chargesheet stating therein that he was on medical leave on 06.11.2017 which was sanctioned by the Director and submitted detailed representation dated 19.04.2021 (Annexure P-8) but to no avail. Even the Department of Social Justice, Empowerment and Minorities, Punjab has written a letter dated 23.04.2021 (Annexure P-9) to the Director with directions to send them a proposal for dropping of charges against the petitioner or to take action against him so that further necessary action may be taken in the matter. However, no action has been taken by the department on the said chargesheet. Hence, the instant petition.

3. On 28.07.2021, while issuing notice of motion, the following order was passed :-

“Inter alia submits that the petitioner retired on 30.07.2020. The charge-sheet dated 10.01.2018 (Annexure



P-5) was served upon to which he replied on 24.07.2020 (Annexure P-6) that he could not attend the training as he had suffered paralytic attack and that he was on medical/earned leave. It is submitted that the Inquiry Officer has not been appointed and rather the matter is pending whether the proceedings should be dropped or not, which would be clear from letter dated 23.04.2021 (Annexure P-9). It is, accordingly, submitted that retiral benefits have been withheld on this account.

Notice of motion for 26.08.2021.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of the respondents and prays for time to seek instructions.

In the meantime, respondent No.2 shall take a decision on letter dated 23.04.2021 (Annexure P-9) on or before the next date of hearing. The State counsel shall apprise the Court whether it wants to proceed with the inquiry or not.”

4. In pursuance to the abovesaid order, reply on behalf of the respondents has been filed, wherein it has been stated as under :-

“xx xx xx xx xx

6. *That it would be pertinent to mention here that the then Principal Secretary Department of Social Justice, Empowerment and Minorities passed order dated 24.01.2022, issued vide Endst. No.1/1/2018-WC1(PF)/52-56 dated 25.01.2022 whereby show cause notice issued to Tarsem Masih (Petitioner) vide letter no.1/1/2018-BSI/86 dated 10.01.2018 was dropped. The copy of the order dated 24.01.2022 is annexed herewith as Annexure R-1.*

7. *That it would be pertinent to mention here that letter bearing No.2194 dated 06.11.2023 was issued by Director Social Justice Empowerment Officer Jalandhar to the Director Department of Social Justice Empowerment and*



Minorities, whereby it is informed that G.P.F. of amount Rs.15,98,433/-, G.I.S. of amount Rs.24,212/-, Leave Encashment of amount Rs.5,40,848/- and A.C.P. arrear of Rs.6,80,598/- was already issued to the Tarsem Masih (Petitioner). The copy of the letter dated 06.11.2023 is annexed herewith as Annexure R-2.

xx xx xx xx xx”

5. Learned State counsel, while referring to the averments made in the reply filed on behalf of the respondents, submits that during the pendency of the present petition, all the retiral benefits have been released to the petitioner and nothing is remained to be paid. He submits that at the time of retirement of the petitioner, one chargesheet was pending against him which was dropped lateron. Due to pendency of said chargesheet, the delay has occurred in releasing the retiral benefits of the petitioner which is not intentional.
6. I have heard learned State counsel and have gone through the relevant documents.
7. Admittedly, the petitioner retired from service, on attaining the age of superannuation on 30.07.2020, whereas his retiral dues have been released on the following dates :-

Sr. No.	Payment	Amount	Voucher No./Date
1.	G.P.F.	1598433	50/25.02.2021
2.	G.I.S.	24212	98/28.01.2021
3.	Leave Encashment	540848	271/19.06.2023
4.	A.C.P. Arrear	680598	21/29.03.2023

8. Since the charge-sheet pending against the petitioner was dropped on 24.01.2021 (Annexure R-1) and there is 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.

9. 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”

10. 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.”

11. 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 G.P.F. amount of Rs.15,98,433/-, G.I.S. amount of Rs.24,212/-, Leave Encashment amount of Rs.5,40,848/- and A.C.P. arrears of Rs.6,80,598/-, to the petitioner w.e.f. 01.11.2020 (i.e. after three months of his retirement) till the actual date of payments, within a period of 03 months from the date of receipt of certified copy of this order.

01.12.2025

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No