209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13556-2019 (O&M)
DECIDED ON: 12.09.2025

**LILA DHAR BANSAL**

**.....PETITIONER(S)**

**VERSUS**

**STATE OF HARYANA AND ORS.**

**.....RESPONDENT(S)**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rakesh Nagpal, Advocate for the petitioner(s).

Mr. R.D.Sharma, DAG, Haryana.

Ms. Anmolpreet Kaur, Advertise for
Mr. Harneet Singh Oberoi, Advocate for respondent No.3.

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**SANDEEP MOUDGIL, J (ORAL)**

The petitioner has approached this Court under Articles 226/227 of the Constitution of India for quashing the order dated 22.03.2019 (Annexure P-4) whereby the amount of Rs. 7,83,049/- of gratuity has been ordered to be with held.

Learned counsel for the petitioner submits that the gratuity along with other pensionary benefits amounting to Rs. 29,39,784/- stands released in favour of the petitioner as can be seen from the order dated 30.01.2023 passed by the Co-ordinate Bench. He further submits that the petitioner only confines his prayer to the extent that interest on the delayed release of pensionary benefits be granted to him in view of judgment if the Full Bench of this Court rendered in the case of ***'A.S. Randhawa vs. State of Punjab' 1997(3) SCT 468.*** It is further submitted that the respondents vide order dated 20.03.2019 (Annexure P-4) has rejected the claim of the petitioner on the ground that employee against whom any disciplinary proceeding is pending at the time of retirement, no interest is payable to them till the proceedings are over. However, it is admitted position that at the time of retirement on 31.07.2017, no charge sheet under Rule 7 of Haryana Civil Services (Punishment and Appeal) Rules 2016 and Rule 12.2 (b) of Haryana Civil Services (Pension) Rules 2016, was pending against the petitioner.

Per contra, learned State Counsel would submit that the amount of Rs. 783049/- with interest has already been released in favour of the petitioner and no amount is due towards him and as far as the interest on delayed release of pensionary benefit is concerned, the petitioner is not entitled to the same as petitioner was charge sheeted under Rule 7 for causing pecuniary loss to the Government.

Heard learned counsel for the parties.

Upon consideration of the rival submissions and perusal of the record, this Court finds that the stand of the respondents cannot be sustained. It is an admitted position that no charge-sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 or under Rule 12.2(b) of the Haryana Civil Services (Pension) Rules, 2016 was pending against the petitioner as on the date of his retirement i.e. 31.07.2017.

Keeping in view that the petitioner has only confined his prayer qua the interest part on the delayed release of his pensionary benefits dependence can be placed on the judgment of this Court rendered in the case of A.S. Randhawa' case (supra) wherein it has been categorically held that an employee is entitled to interest in case of delayed release of retiral dues. This Court reiterates that payment of interest on delayed pensionary benefits is not a matter of discretion with the employer but is a vested legal right of the employee. Once pensionary benefits have accrued, the employee cannot be made to suffer for administrative lapses, and the employer is bound to compensate the employee for such delay by way of interest.

The relevant part of above referred judgment reads as under :-

*'It is by now well settled by a catena of judgments of the Court that pension payable to a retired government servant is no longer a bounty which is payable on the sweet will and pleasure of the government. It has been held to be a valuable right which flows to such an employee by virtue of the rules which governed his employment. Reference in this regard be made to Deokinandan Prasad v. Stale of Bihar and Ors., AIR 1971 S.C. 1409 wherein their Lordships of the Supreme Court expressed this view. The learned Judges after referring to the material provisions in the pension rules further held that the grant of pension did not depend upon an order being passed by the authorities to that effect. It may be that for the purposes of qualifying the amount having regard to the period of service and other allied matters, it may become necessary for the authorities to pass an order to that effect but the right to receive pension flows to the government servant not because of the said order but by virtue of the rules which have a statutory force. The same view Was expressed by the Supreme Court in State of Punjab v. Iqbal Singh, A.I.R. 1976 S.C. 667 and State of Kerala and Ors. v. M. Padmanabhan, AIR 1985 S.C. 356 the Supreme Court reiterated its earlier view aid it will be of interest to quote the following observations from this judgment:-*

> *"Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."*

*5. Thus, a right to pension has been held to be a right in property ,and till the Constitution (Forty Fourth Amendment) Act, 1978 was brought into force, property right was a fundamental right under Article 19(1)* *(f) of the Constitution. After the enforcement of the said amendment property right is no longer a part of fundamental rights and has been provided for as a constitutional right in Article 300A and in terms thereof no person can be deprived of his property save by authority of law.*

*6. A learned Judge of this Court in Maha Singh Sinhmar v. State of Haryana, 1995(1) RSJ 643 relying upon the observations of the Supreme Court in Delhi Transport Corporation v. D.T.C. Mazdoor' Congress, 1991(1) RSJ 152 and D.K. Yadav v. J.MA, Industries Limited, 1993(3) RSJ 696 has held that the right to life as enshrined in Article 21 of the Constitution is wide enough not only to include the right of employment as part of right to life but also the incidental right to pension.*

*7. There is, thus, no doubt and in fact it was conceded before us by the learned Advocate General appearing for the respondents that right to pension is a right to property and not a bounty to be paid on the sweet will and pleasure of the Government. It may or may not be a fundamental right but, it is definitely a constitutional right being a right to property and also a statutory right government by the Pension Rules. It is common case of the parties that the right to receive pension by the petitioner is governed by the rules contained in the Punjab Civil Service Rules, Vol. II framed under proviso to Article 309 of the Constitution. This being so, a retired government employee has, beyond doubt, a right to approach this court for the issuance of a writ of mandamus or for any other order or direction to enforce his legal right to claim pension or any other retiral benefits the disbursement of which may have been unjustifiably withheld by the State.*

Thus, the grant of interest is not a concession, but a necessary legal consequence flowing from the wrongful deprivation of property. The rationale is that pensioners, being senior citizens, depend upon timely receipt of retiral benefits for their livelihood, and any undue delay undermines their right to live with dignity under Article 21 of the Constitution.

In view of the above, the writ petition is allowed and the respondent No.-3 is directed to grant 6% interest on the delayed release of the pensionary benefits till the date of realization of the amount.

Ordered accordingly.

**(SANDEEP MOUDGIL)**
**JUDGE**

**12.09.2025**
*anuradha*

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