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

(248) **CWP-21588-2021**
Date of Decision : 28.10.2025

Parvesh Kumar …Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shivam Vashisht, Advocate and
Mr. G.P. Vashisht, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

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KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, a challenge is thrown to reply to the legal notice dated 19.06.2020 (Annexure P-4), wherethrough, the claim of the petitioner for release of interest on delayed payment of pensionary benefits has been denied.

2. The petitioner joined the services with the respondent/department, as Junior Engineer, on 05.01.1982, and he was retired from the services on 31.12.2018, after superannuation without getting two years extension.

3. It is positive case that prior to the retirement, the petitioner had submitted all the relevant documents regarding the pensionary benefits and has also submitted the relevant affidavit(s), regarding retirement on 28.09.2018. Learned counsel for the petitioner further submitted before this

Court, that after the retirement, all the pensionary benefits were released to the petitioner, with a delay of more than 8 to 10 months. The pensionary benefits received by the petitioner on different dates, has been mentioned in Paragraph 5 of the instant writ petition.

4. Learned counsel for the petitioner, while placing reliance upon the judgment of Full Bench of this Court, passed in case titled ***'A.S. Randhawa versus State of Punjab' 1997 (3) SCT 468***, submits that the respondent/department is liable to pay the interest @ 12% for the delayed payment of pensionary benefits, amounting to Rs.34,02,961/-.

5. On the other hand, learned counsel for the State, submits that though there is a delay, on the part of the respondent/department, however, the said delay is a procedural delay, and it is neither willful nor deliberate. It is submitted that the petitioner remained on deputation with the Department of Punjab Mandi Board, at Jalandhar, w.e.f. 25.06.2001 to 03.09.2006, and 04.08.2008 to 03.08.2011, and since the required *'No Due Certificate'* in respect of the petitioner was not received from the quarter concerned, therefore, the earlier pension case of the petitioner could not be sent to the competent authority i.e. Accountant General, Punjab, Chandigarh. However, in the meantime, to avoid any kind of delay in getting released the pension to the petitioner, the respondent No.3, has approached the office of Chief Engineer (Canals), Water Resources Department, Punjab, Chandigarh (respondent No.2), with the request to sanction provisional pension to the petitioner, till the regular pension is received. However, it was directed by the authorities concerned, that the provisional pension was to be sanctioned at the level of Divisional Office, and thereafter, on 14.06.2019, the provisional pension in favour of the petitioner, from the due date i.e. 01.01.2019, was

sanctioned and the same was being received by the petitioner, till the regular pension was sanctioned.

6. It is not in dispute that the petitioner was entitled for pensionary benefits on the date when he was retired from the services. The respondent/department, ought to have started the process to complete the pension formalities much prior to the date of retirement of the employee concerned, i.e. the petitioner, herein. However, in the instant case, same has not been done. Therefore, this Court is of the considered opinion that there is no fault on the part of the petitioner, rather, it is the respondent/department, who has caused the delay in granting the pensionary benefits to the petitioner.

7. In view of the above sketched out position, this Court is of the considered opinion that the petitioner is entitled for the interest on the delayed payment. Let the respondent No.3, independently examine the issue involved in the instant writ petition, and to calculate the interest on delayed payment of pensionary benefits. The petitioner is entitled for the interest at the prevailing bank interest rate.

8. It goes without saying that the exercise (supra), shall be carried out, within a period of eight weeks, from the date of receipt of certified copy of this order.

9. With the aforesaid observations, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

October 28, 2025
Manpreet

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