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

CWP-16051-2023

Date of decision: 03.12.2025

Vimal Kumar

....Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gitanjali Chhabra, Advocate and
Ms. Muskan, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Vikram Preet Arora, Advocate
for respondents No.3 to 5.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to release the full payment of amount of pensionary benefits i.e. Gratuity, Leave Encashment and Pension etc. are payable to the petitioner along with interest @ 18% per annum from the date of its entitlement.

2. Learned counsel for respondents No.3 to 5 submits that the leave encashment amounting to Rs.7,04,000/- has been given to the petitioner on 28.07.2023. The provisional pension has also been granted to the petitioner and the remaining amount of gratuity along with other admissible benefits have been released.

3. However, learned counsel for the petitioner disputes the same and



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submits that the petitioner is entitled to interest in terms of the judgment rendered by a Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343*** as admittedly, the admissible benefits of the petitioner were not released on due date.

4. Learned counsel for respondents No. 3 to 5 submits that the delay occurred due to the pendency of the inquiry before the Vigilance Cell of the Department as well as the time taken by the petitioner to obtain NOCs from the various municipalities where he had served, which also contributed to the delay.

5. However, the learned State counsel could not controvert the fact that at the time of the retirement of the petitioner, there was no pending departmental proceedings or any criminal trial before any jurisdictional Court as the inquiry which was referred to para 3 of the reply filed on behalf of respondents No.1 & 2 was concluded and the petitioner was exonerated.

6. Further, the delay on account of obtaining NOCs and contribution from other municipalities has been dealt with by this Court in CWP No.14990 of 1992 titled as '***Dr. R.R. Sharma (Retd.) Vs. Post Graduate Institute of Medical Education and Research, Chandigarh***' decided on 02.11.1999 and as such, the respondents cannot shrug off their liability to release the retiral dues in time. Admittedly, the retiral dues have been paid after a delay. The calculation and details of the amount released to the petitioner has been supplied by learned counsel for the petitioner in Court and the same is taken on record. Copy thereof has been supplied to counsel for respondents No.3 to 5. The Registry is directed to tag the same at an appropriate place in the file.

7. In view of the discussion above, the present petition is disposed of

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with a direction to respondent No.2 to ensure all pending dues including interest @ 6% per annum (to be calculated two months after the retirement of the petitioner) to be paid to the petitioner within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

03.12.2025*Neha*

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