



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

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CWP-21319-2021 (O&M)
Date of decision: 02.12.2025

Naresh Rani

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Aditya Pratap Duggal, Advocate
for respondent No.4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing/modifying the impugned order dated 19.09.2019 (Annexure P-6) vide which the respondents has admitted the claim of the husband of the petitioner for placement in higher scale but still not granted and further for grant of interest on the delayed payment of pensionary benefits @ 18% and to grant gratuity as per the latest amendment dated 29.03.2018 (Annexure P-9) vide which the maximum limit of gratuity has been raised to Rs.20.00 lacs.

2. Learned counsel for the petitioner submits that the deceased husband of the petitioner had retired on 30.09.2017 and he availed one year extension upto 30.09.2018, however, due to certain



health issues, he retired on 30.04.2018. She further contends that on 29.03.2018, a Notification was issued by enhancing the limit of gratuity from Rs.10.00 lacs to Rs.20.00 lacs and thus, the husband of the petitioner is entitled to the benefit of said Notification. She further submits that all retiral benefits have been released to the deceased employee (husband of the petitioner) after a delay of more than one year and as such, he is also entitled for interest on account of delay in releasing the retiral benefits.

3. *Per contra*, learned State counsel as well as learned counsel for respondent No.4, submits that the deceased employee (husband of the petitioner) is not entitled to enhanced gratuity as he already stood retired on 30.09.2017 whereas the Notification issued on 29.03.2018 is prospective in nature and it cannot be applicable to the case of the petitioner. Further, the petitioner has not challenged the said Notification dated 29.03.2018.

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

5. The only surviving dispute is regarding whether the deceased employee is entitled to the enhanced gratuity limit introduced on 29.03.2018 even though he had already superannuated on 30.09.2017 and whether the petitioner is entitled to interest for the delay in release of the retiral benefits.

6. From the perusal of the record, it is evident that the husband of the petitioner had retired on 30.09.2017, whereas the



Notification vide which the amount of gratuity was enhanced was issued on 29.03.2018. The extension in service beyond the period of retirement would not extend the benefit of Notification to the deceased employee i.e. husband of the petitioner. An employee who is given extension beyond the age of superannuation is only entitled to the salary of the extended period. As such, the employee is not entitled to any other benefit on account of serving beyond the age of superannuation. The husband of the petitioner retired on 30.09.2017 and his retiral benefits were released in installments and the last payment was made on 18.01.2019.

7. A gainful reference can be made to 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* wherein it was opined that disbursement of pension and other benefits payable at retirement must be done in a timely manner. Any delay over a period of two months, qua the said disbursement would entitle the retired employee to claim interest on the amount due. Speaking through Justice N.K. Sodhi, the following was held:

“9. 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. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%.”(emphasis added)

8. Reliance in this regard may also be placed on the judgments rendered by the Hon’ble Supreme Court in **S.K. Dua vs. State of Haryana (2008) 3 SCC 44** and **State of Kerala vs. M. Padmanabhan Nair (1985) 1 SCC 429**.

9. In the view of the above discussions, the present petition is disposed of. The respondents are directed to release the payment of interest @ 6% per annum to the petitioner, to be calculated after the expiry of two months from the date of retirement of deceased employee. The aforesaid payment shall be made to the petitioner within a period of 03 weeks from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

02.12.2025
yakub

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