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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19881-2022(O&M)
Date of decision : 14.11.2025

Amarpal Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. S.S. Khaira, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Karminder Singh, Advocate and
Mr. Dhanwinder Singh, Advocate for respondent No.4.

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DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of mandamus for direction to the respondents to release the pension, gratuity and all other retiral benefits to the petitioner from the date of his retirement i.e. 28.02.2022 with interest @ 12% per annum.

2. A perusal of the facts of the case would show that petitioner joined the services in Panchayat Department as Panchayat Secretary and retired on 28.02.2022 after attaining the age of superannuation. No retiral benefits were released to the petitioner, as such, he submitted a representation dated 23.06.2022 (Annexure P-4) to the District Development and Panchayat Officer, Gurdaspur. As retiral benefits were not released to the petitioner in spite of the fact that

petitioner had approached the respondents for release of his retiral benefits, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that in spite of the fact that the petitioner had retired on 28.02.2022 after attaining the age of superannuation, as there were no departmental proceedings or any other proceedings pending against the petitioner at the time of retirement, the petitioner was entitled for release of his retiral benefits at the earliest. Learned counsel for the petitioner submits that a perusal of Annexure P-3 would show that a letter was issued by the District Development and Panchayat Officer, Gurdaspur on 27.06.2022 to the Executive Officer, Panchayat Samiti, Gurdaspur, wherein it was mentioned that the case of pension and gratuity of the petitioner should be prepared and the same should be sent to the Head Office before 01.07.2022. It is the case of the petitioner that in spite of the abovesaid letter was issued by the District Development and Panchayat Officer, Gurdaspur, no retiral benefits were released to the petitioner. He submits that during the pendency of the writ petition, arrears of pension from March, 2022 to October, 2023 and November, 2023 to February, 2024 have been released to the petitioner vide memo dated 09.11.2023 and memo dated 12.03.2024 respectively. The amount of gratuity has also been given to the petitioner on 29.10.2024.

4. Taking into consideration the fact that retiral benefits have been released to the petitioner during the pendency of instant petition, learned counsel for the petitioner confines his argument only to the extent that as there was a delay in release of the retiral benefits to the

petitioner and as there was no fault on his part, as such, he is entitled for interest @ 12% per annum on account of the delayed payment of retiral benefits.

5. Learned State counsel has filed the written statement and a perusal of the said written statement would show that no reasons have been given as to why there was a delay in release of retiral benefits of the petitioner. Learned counsel appearing for respondents No.1 to 3 also could not give any reason as to why there was a delay in release of retiral benefits of the petitioner.

6. Taking into consideration the fact that there was an unexplained delay of more than 3 years and 8 months in release of retiral benefits to the petitioner, the petitioner would be held entitled for interest on account of the delayed payment of retiral benefits. It is well settled law that retiral benefits are not a bounty, it is the right of an employee.

7. Reliance has been placed upon the judgment passed by Co-ordinate Bench of this Court in ***CWP No.19759 of 2023 titled as Parveen Kumar Vs. State of Punjab and others, decided on 15.03.2024,*** wherein the Court had directed the respondents to pay interest on the delayed payment of retiral dues. The relevant extract from the aforesaid judgment in ***Parveen Kumar's case*** (supra), is reproduced herein below:-

> "9. Since either before or after the retirement of the petitioner, no departmental proceedings were pending against him, therefore, the retiral benefits of the petitioner were required to be released within a reasonable time after

his premature retirement and since there is a delay of more than 01 year and 08 months in releasing the same, therefore, the petitioner cannot be denied the benefit of interest on the delayed payment of retiral dues.

10. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 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 said judgment is as under:-

> *"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."*

11. Apart from this, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355,*** 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: -

> *"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 lying 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."*

12. 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 @ 6% per annum to the petitioner, on the delayed payment of retiral dues w.e.f. 01.09.2022 (after two months of his retirement) till the actual date of payment, within a period of 03 months from the date of receipt of certified copy of this order."

8. Taking into consideration the facts of the case and the above-referred judgment, as there was no fault on the part of the petitioner for delay in respect of release of his retiral benefits, the present petition is allowed to an extent that petitioner will be held entitled to grant of interest on account for delay in release of his retiral benefits. The respondents are directed to pay interest @ 6% per annum to the petitioner, on the delayed payment of retiral dues w.e.f. 01.05.2022 (from two months after the retirement of the petitioner) till the actual date of realisation of payment of retiral benefits, within a

period of 02 months from the date of receipt of certified copy of this order.

9. Pending application(s), if any, shall also stand(s) disposed of.

14.11.2025 **(DEEPINDER SINGH NALWA)**
d.gulati **JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No