



287

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19600-2023 (O&M)

Date of Decision : 05-05-2025

MANMOHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Mr. Himanshu Raj, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the prayer of the petitioner is for the grant of interest on the delayed released of pensionary benefits. The petitioner has approached this Court for release of gratuity amount admissible to him and commutation of pension and vide order dated 12.02.2021 passed by this Court in CWP No.6954 of 2020 (Annexure P-1),

following directions were given:-

“XXXX....For the aforementioned reasons, the writ petition is allowed. The respondents are directed to release the gratuity and commutation of pension withheld within four weeks from the date of receipt of certified copy of this order. Full pension be also paid within the said period. In case of failure to comply with this order, the petitioner shall be entitled to payment of interest on the arrears at the rate of 9% per annum from the date of retirement till the date of payment.”

2. Learned counsel for the petitioner submits that as the said payment qua the gratuity and commutation of pension has been delayed and was only released in August, 2021 hence, the petitioner is entitled for the interest @ 9% per annum on the said amount granted by the Co-ordinate Bench vide order dated 12.02.2021 (Annexure P-1).

3. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that in order to get the benefits released, the petitioner was supposed to fill up the requisite form which he did not filled up and as and when, the petitioner furnished the Life Certificate to the Bank on 30.07.2021, within a period of 10 days the benefit admissible to him was extended to him and therefore, it cannot be said that there is no intentional delay on the part of the respondents to release the benefit to petitioner so as to entitle the petitioner, the benefit of interest @ 9% per annum.

4. Learned counsel for the petitioner further submits that a contempt operation was filed being COCP No.1026 of 2022 titled ***“ManmohanSingh Vs. Sarvjit Singh and ors.”*** filed by the petitioner to get the benefit of interest on said amount, which petition was also dismissed on 16.01.2023 while recording a finding that there is no delay on the part of the respondents but liberty was given to the petitioner to avail appropriate remedy available to him.

5. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. A bare perusal of the order dated 12.02.2021 (Annexure P-1) passed by the Co-ordinate Bench in CWP No6954 of 2020 , which has been reproduced hereinabove clearly shows that the benefits were to be released

within a period of 4 weeks from the receipt of certified copy of the order hence, in case the gratuity amount and the commutation of pension is not paid, then 9% interest from the date of retirement till the actual date of payment, is to be made. The claim of the petitioner that the order is not complied with, cannot be accepted keeping in view the order passed by the Contempt Court on 16.01.2023 wherein it has been held that it is only the petitioner who only complied with the requisite for the release of the benefits on 30.07.2021 and within a period of 10 days of the said compliance, the benefits admissible to the petitioner were released.

7. That being so, once the benefits admissible to the petitioner were released within a period of 10 days of complying with the requisite for the release of the benefits, it cannot be said that the respondents took more than 4 weeks to release the benefits so as to claim the benefit of interest.

8. No ground is made out for the grant of benefit of interest keeping in view the order dated 16.01.2023 passed by the Co-ordinate Bench of this Court, which benefit of interest was only admissible in case, the respondents fail to comply with the grant of benefit within a period of 4 weeks after the petitioner had filled the requisite form. Though, the benefits were released after a period of 4 weeks but the delay was not attributable to the respondents but at the hands of the petitioner, who did not fill the requisite form for the release of the benefits.

10. Hence, the present petition stands dismissed.

11. Pending application, if any, also stands disposed of.

05-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO