233.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23534-2022
Date of decision: 18.11.2025

Manmohan Singh .... Petitioner

Versus

State of Punjab and others .... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release pension and gratuity of the petitioner along with 12% interest per annum w.e.f. 01.12.2021 till the actual date of payment.

2. It has been pleaded in the petition that the petitioner retired on 30.11.2021 after rendering 35 years of service and despite the fact that no departmental or judicial proceedings were pending against the petitioner, he was not granted the pension and gratuity, although GPF, leave encashment and GIS were granted in December, 2022, whereas his gratuity, pension and commuted value of pension have not been released by the respondents.

3. Learned State counsel, while referring to the averments made in paras No.3 and 4 of the written statement filed on behalf of respondent No.4 i.e. Accountant General (A&E), Punjab, Chandigarh, submits that the payment of GPF, leave encashment and GIS were released in the months of November and December, 2021, however, the payments of gratuity and pension were released on 02.11.2022 and the petitioner has submitted an affidavit dated 07.01.2022 that he does not want to commute his pension. Paras 3 to 5 of the written statement of respondent No.4 reads thus:-

> "3. That the petitioner retired on 30.11.2021 from the office of Assistant Director, Hospitality Department Punjab, Chandigarh. The office of Assistant Director, Hospitality Department Punjab, Chandigarh, i.e., respondent No.3 submitted the incomplete pension case of the petitioner vide their letter No. 250 dated 12.01.2022 (received on 27.01.2022) whereas as per Punjab CSR Volume-II pension case of a retiree must be sent by Pension Sanctioning Authority to office of Answering Respondent at least 6 months before the date of retirement. The office of answering respondent had to return the case with some observation vide letter No.Pen-02/CH-2/ PE/ 10/ 22/ 60521895/ 1022468379/ 80499077 dated 28.04.2022.Thereafter, office of Assistant Director, Hospitality Department Punjab, Chandigarh, i.e., respondent No.3 again submitted incomplete pension case of the petitioner vide their letter No.7106 dated 16.05.2022 and the same had to be again returned with some observations vide letter No. Pen-02/CH-2/ PE/ 10/ 22/ 60521895/ 1022468379/ 80518823 dated 23.08.2022.
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> 4. That it is pertinent to mentioned here that the Assistant Director, Hospitality Department Punjab, Chandigarh, i.e., respondent No.3 submitted the complete pension case of the petitioner after removing the observations vide letter No. 9592 dated 31.08.2022 and the same was finalized by way of issuing Intimation of e-PPO vide No. Pen-2/Intimation/22-23/PE/22/ 10/80531568 dated 03.11.2022, (Copy appended as Annexure R-4/1). Thus, at present no action is pending on the part of office of answering respondent.
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> 5. That the issue of admissibility of interest on delayed payment is the exclusive concern of the Drawing and

> Disbursing Authority of the petitioner, i.e., respondent No. 3 and the office of answering respondent has nothing to do in this regard."

4. No justifiable reasons have been given by the respondents in delaying the release of gratuity and pension of the petitioner as it has been stated that the office of respondent No.3 has sent incomplete case of the petitioner. Therefore, the petitioner cannot be made to suffer for the delay caused in exchange of correspondence of two departments.

5. A Full Bench of this Court in ***A.S. Randhawa Versus 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."*

6. Apart from this, in ***J.S. Cheema Versus State of Haryana, 2014(13) RCR (Civil) 355***, this Court 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."*

7. Consequently, the writ petition is partly allowed. The respondents are directed to release 7% interest on the payment of gratuity and arrears of pension w.e.f. 01.02.2022 (i.e. after two months of retirement) till the date of actual payment and the same be calculated and released to the petitioner within a period of two months from today.

(NAMIT KUMAR)
JUDGE

November 18, 2025
sanjeev

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