



CWP-25951-2022 (O&M)

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

Sr. No.229

CWP-25951-2022 (O&M)

Date of decision: 19.11.2025

Gurcharan Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Vivek Aggarwal, Advocate, for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

Mr. Saurav Verma, Advocate and
Mr. Anshul Pareek, Advocate, for respondent No.4-Bank.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioner is praying for issuance of a direction to the respondents to release the pension along with interest @ 8% per annum on account of delay in payment of arrears of pension for the period from 01.11.2012 to 29.02.2016.

2. Brief facts of the case are that the petitioner retired as a Principal from Government Senior Secondary School, Barundi, Ludhiana on 30.04.2000. The pension was granted to the petitioner from the month of May, 2000. The petitioner was getting regular pension till 31.10.2012, however, the respondents stopped the release of pension to the petitioner with effect from November, 2012 on the ground that the petitioner has not submitted life certificate for the period from 01.11.2012 to 29.02.2016. It



transpires that the petitioner's family is settled in USA and as a consequence of this, the petitioner was also residing in USA and he could not submit life certificate for the period 01.11.2012 to 29.02.2016. Later on, the life certificate was submitted by the petitioner. In pursuance to the abovesaid submission of life certificate by the petitioner, the pension was released to the petitioner w.e.f. 01.03.2016. However, the arrears of pension w.e.f. 01.11.2012 to 29.02.2016 were not released to the petitioner. The petitioner approached the respondents-authorities for release of arrears of his pension, but the same were not released on the ground that no approval was given to the respondent-Bank. Aggrieved against the abovesaid action of the respondents in not releasing the arrears of pension for the period 01.11.2012 to 29.02.2016, the petitioner has filed the present writ petition.

3. Written statement dated 24.01.2023 by way of an affidavit of the District Education Officer (SE), Ludhiana has been filed by respondent No.5. It has been mentioned in Para No.4 of the said written statement that the arrears of pension for the period from 01.11.2012 to 29.02.2016 have been sanctioned by respondent No.2 vide order dated 16.01.2023 and the same have been released to the petitioner on 03.03.2023.

4. The sole argument of learned counsel appearing on behalf of the petitioner is that although, the arrears of pension for the period 01.11.2012 to 29.02.2016 have been released to the petitioner on



03.03.2023, however, there is a delay of 06 years in releasing the arrears of pension, as such, the petitioner is entitled for interest on account of delay in release of arrears of pension to the petitioner.

5. Learned counsel appearing on behalf the respondent No.1 to 3 & 5- State could not give any reason, as to on what basis, there was a delay in release of arrears of pension in the year 2023 for the period 01.11.2012 to 29.02.2016 as the pension was released to the petitioner w.e.f. 01.03.2016 on submission of life certificate.

6. Learned counsel appearing on behalf of respondent No.4-Bank submits that the bank is only the disbursing authority and the pension is released to an employee on the basis of instructions issued by the government.

7. I have heard learned counsel appearing on behalf of the parties at length.

8. Taking into consideration the abovesaid facts, it is admitted fact that although, the petitioner had submitted life certificate in the year 2016, however, the arrears of pension for the period from 01.11.2012 to 29.02.2016 were released to the petitioner on 03.03.2023. As there was no fault on part of the petitioner, after submission of life certificate in regard to grant of arrears of pension, there was no reason to release arrears of pension for the period from 01.11.2012 to 29.02.2016 in the year 2023 after almost 06 years. It is held that the petitioner will be entitled for grant



of interest on account of delayed payment of arrears of pension for the period from 01.11.2012 to 29.02.2016. It is well settled law that pension is not a bounty, it is the right of an employee.

9. 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.”

10. In view of the facts of the case and above-referred judgments, the respondents are directed to grant 6% interest on amount of arrears of pension with effect from the date pension was released to the petitioner after submission of life certificate till actual realization of the abovesaid amount.

11. The present writ petition is disposed of in abovesaid terms.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

19.11.2025
Ramandeep Singh

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