



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

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CWP-26235-2022

Date of decision : 21.11.2025

Dr. Bidhi Kaur

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Bhuwan Luthra, Advocate for the petitioner.

Mr. Swapan Shorey, D.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the retiral dues such as gratuity, leave encashment and regular pension, with arrears, along with interest @ 18% per annum and to release all due increments along with arrears of revised pay with interest @ 18% per annum.

2. Additional affidavit of Dr. Arvindpal Singh, Civil Surgeon, Fatehgarh Sahib, on behalf of respondents No.1, 2 & 4 has been filed in the Court today which is taken on record.

3. Brief facts of the case, as have been pleaded in the petition, are that the petitioner had joined the service as Medical Officer on 17.03.1999 and after completing 14 years of service on 17.03.2013, she was appointed as Medical Officer at CHC, Kalo Majra, District Patiala.

After completion of 14 years of service, the petitioner was entitled for

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14 years higher scale placement benefits and her case was sent from CHC, Kalo Majra, District Patiala vide letter dated 10.06.2013 to the respondents, but till date no action has been taken by the respondents. After completing 20 years of service, the petitioner had applied for voluntary retirement on 10.04.2019 which was accepted by respondent No.1, vide letter dated 26.09.2019, with the condition that the decision of the departmental inquiry will be applicable on the petitioner. During the service tenure of the petitioner, vide letters dated 02.12.2013, 12.11.2013, and 14.12.2017 charge-sheets were issued to the petitioner under Punjab Civil Services (Punishment and Appeals) Rules, 1970, to which the petitioner responded. After the retirement of the petitioner, she was given personal hearings on 23.03.2021 & 26.04.2021 and after being satisfied with her replies, the abovesaid charge-sheets were dropped and files were consigned to the record room. Thereafter, the petitioner made several representations/legal notices to the respondents for releasing her retiral benefits and 14 years higher scale placements benefits but to no avail. Hence, the instant petition.

4. Learned counsel for the petitioner submits that the petitioner took voluntary retirement from service on 26.09.2019, whereas the G.P.F. amount of Rs.19,16,958/- was released to the petitioner on 26.02.2021 and G.I.S. amount of Rs.47,752/- was released on 31.05.2023. He further submits that although, all the retiral dues have now been released to the petitioner, however, the same have been released after a considerable delay. He further submits that since all the charge-sheets pending against the petitioner were dropped lateron,

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therefore, the petitioner is entitled for interest on the delayed payment of retiral dues.

5. Per contra, learned State counsel, while referring to the averments made in the reply filed on behalf of respondents No.1, 2 & 4, submits that during the pendency of the present petition, all the retiral benefits as well as arrears of higher pay scale under Assured Career Progression Scheme, have been released to the petitioner and nothing is remained to be paid. He submits that at the time of retirement of the petitioner, three charge-sheets were pending against her in which the charges were not proved against the petitioner and the same were dropped by the competent authority, vide orders dated 15.11.2019 and 28.04.2021. Due to pendency of departmental proceedings against the petitioner, the delay occurred in releasing her retiral benefits which was not intentional.

6. I have heard learned counsel for the parties and have gone through the relevant documents.

7. Admittedly, the petitioner took voluntary retirement from service, on 26.09.2019, whereas as per additional affidavit filed on behalf of respondents No.1, 2 & 4, the G.P.F. amount of Rs.19,16,958/- was released to the petitioner on 26.02.2021 and G.I.S. amount of Rs.47,752/- was released on 31.05.2023. Since all the charge-sheets pending against the petitioner were dropped lateron, therefore, she cannot be denied the benefit of interest on the delayed payment of G.P.F. and G.I.S. amount as per settled principles of law.



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

“8. 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. xx xx xx xx”

9. Apart from this, in ***J.S. Cheema Vs. State of Haryana and others : 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: -

“5. xx xx xx xx 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 laying 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. ”

10. 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, as applicable to G.P.F., on the delayed payment of G.P.F. amount of Rs.19,16,958/- and G.I.S. amount of Rs.47,752/-, to the petitioner w.e.f. 27.12.2019 (i.e. after three months of her retirement) till the actual date of payment, within a period of 03 months from the date of receipt of certified copy of this order.

21.11.2025
kothiyal

(NAMIT KUMAR)
JUDGE

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