



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CWP-33552-2025 (O&M)
Date of decision: 01.12.2025

Harbans Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Pandit, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab
for respondents No.1 to 3.

Ms. Roja Agnihotri, Advocate
for respondents No.4 and 5.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the order dated 01.08.2025 (Annexure P-9) passed by respondent No.4 and order dated 24.07.2025, passed by respondent No.5. Further a writ of *mandamus* has been sought, directing the respondents to release the due retiral benefits as accrued to the pensioner along with interest @ 18% per annum for the period of delay in releasing the retiral benefits.

2. On 12.11.2025, the following order was passed by this Court:-



*Learned counsel for the petitioner, inter alia, contends that the petitioner retired after serving the respondents for 37 years on 30.04.2023. The respondents withheld the retiral benefits of the petitioner and partial relief was granted to him on 06.11.2023, when 90% of his pension was released vide order dated 06.11.2023 (Annexure P-3), but the remaining benefits were still withheld, which compelled the petitioner to serve a legal notice upon the respondents on 19.04.2024 (Annexure P-4) and thereafter, approach this Court by filing CWP-4545-2025, which was disposed of with a direction to decide his representation. However, due to non-compliance, the petitioner again approached this Court by filing COCP-3511-2025. Thereafter, the orders dated 24.07.2025 (Annexure P-8) and 01.08.2025 (Annexure P-5) were passed and the retiral benefits of the petitioner have been withheld due to non-adjustment of an advance of Rs.12,36,245/-, given for the purchase of two new fire tenders in the year 2006-07, however, the information obtained by the petitioner under the RTI Act reveals that the said amount was never given to him as a loan instead the cheques and demand drafts of the amount, in question were drawn directly in the name of vendor agency. Further in the absence of any pending charge-sheet, the retiral benefits of the petitioner cannot be withheld. In support of his arguments, learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in **Union of India vs K. V. Jankiraman, 1991 (3) SCT 317.***

Adjourned to 01.12.2025.

Respondent No.2 is directed to file his affidavit, well before the next date of hearing, deliberating thereupon by invoking which statutory provisions, the retiral dues of a



retiree can be withheld without there being any formal charge-sheet.

3. In compliance thereof, affidavit of Kulwant Singh, Director, Department of Local Government, Punjab, has been filed in the Court today, which is taken on record.

4. Learned State counsel, on instructions from Manbir Singh Gill, Executive Officer, M.C. Sirhind, submits that the petitioner had retired on 30.04.2023 and a total sum of Rs.29,92,940/-, which includes gratuity of Rs.20.00 lacs and leave encashment of Rs.9,92,940/- has been released in favour of the petitioner. Further, the petitioner has also been paid interest @ 6% per annum and an amount of Rs.1,21,638/- has been released to him. He further contends that interest on the delayed release of arrears of pension would be paid to the petitioner @ 6% per annum.

5. In response, learned counsel for the petitioner submits that the interest has been calculated after 03 months from the date of retirement of the petitioner whereas the petitioner is entitled for interest after 02 months from the date of his retirement i.e. from 30.06.2023.

6. In view of the affidavit filed on behalf of respondent No.2, the present petition is disposed of. The respondents are directed to release the payment of interest @ 6% per annum to the petitioner on account of delay in releasing the retiral dues, to be calculated after the expiry of two months from the date of retirement of the petitioner. The



aforesaid payment shall be made to the petitioner within a period of 04 weeks from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

01.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No