231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1464-2022 (O&M)
Date of Decision: 17.03.2026

VINOD KUMAR

… PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Vikas Sonak, Assistant Advocate General, Punjab.

Mr. Birinder Pal, Advocate for respondent No.4.

<u>HARPREET SINGH BRAR, J. (Oral)</u>

<u>CM-4021-CWP-2026 in CWP-1464-2022</u>

The present application has been filed under Order 1 Rule 10(2) of CPC for substituting respondent no. 2, Punjab Water Supply and Sewerage Board through its Managing Director/Chairman, Plot No. 1, Sector 27-A, Chandigarh.

Learned counsel for the applicant-petitioner submits that the petitioner has inadvertently arrayed and served Department of Water and Sanitation, Punjab Civil Secretariat, Chandigarh as respondent no. 2 instead of Punjab Water Supply and Sewerage Board through its Managing Director. He seeks for substitution of respondent no. 2 as Punjab Water Supply and

Sewerage Board through its Managing Director.

In view of the grounds mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions.

Amended Memo of Parties is taken on record.

Registry is directed to tag the same at the appropriate place.

<u>CWP-1464-2022</u>

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* seeking quashing of impugned order dated 28.09.2021 (Annexure P-6) passed by respondent no. 4, whereby the petitioner's claim has been rejected. Further, a writ of *mandamus* has been sought for directing the respondents to consider the claim of the petitioner for release of remaining benefits along with interest thereon from the date the said amount became due till its actual payment.

2. Learned counsel for the petitioner *inter alia* contends that the issue involved in the present case is regarding entitlement of the petitioner to interest on account of delay in releasing his retiral dues. Learned counsel further refers to the instructions issued by Punjab Government dated 19.08.2016 and submits that in case an employee gets transferred from one place to another upon his retirement, the amount of gratuity/pension etc was to be claimed from the entity he last served, whether being a trust or the municipal committee. Further there is no dispute with regard to the fact that petitioner got retired on 31.08.2016 and was granted extension for two years i.e. upto 31.08.2018, whereas his retiral dues were issued in installments. The first installment was paid in October, 2020 and the last installment was

paid in April, 2021. As such the petitioner is entitled to interest on account of delay. Learned counsel submits that the controversy stands squarely covered by the authoritative pronouncement of the Full Bench of this Court in ***A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343.***

3. Learned State counsel as well as learned counsel for respondent no. 4 are not in a position to controvert the aforesaid facts and the delay in releasing the retiral dues.

4. I have heard learned counsel for the parties and perused the record with their able assistance. It is not in dispute that the petitioner retired on 31.08.2016 and was granted extension of two years service i.e. upto 31.08.2018. Moreover, on the eve of retirement, there was no pending disciplinary or criminal proceedings against the petitioner. As such there was no embargo in releasing the retiral benefits to the petitioner. Further, the instructions issued by the Government of Punjab (Annexure P-3) clearly provides that retiral benefits are to be released by the establishment from which the petitioner has retired even if he has served more than one establishment. There is no denial to the fact that the petitioner has served respondent no.2, which is a statutory Board under the Government of Punjab and the Municipal Council under the Department of Local Bodies in the Government of Punjab.

5. It is trite law that retiral benefits are not a matter of grace or bounty, but a statutory and vested right accruing to an employee upon superannuation. The controversy stands squarely covered by the authoritative pronouncement of the Full Bench of this Court in

A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343, wherein it has been unequivocally held that any delay in release of pensionary or retiral benefits beyond a reasonable period of two months from the date they become due would entail payment of interest to compensate the retiree for such delay.

6. In view of the above discussion and the instructions issued of the Government of Punjab, dated 19.08.2016 (Annexure P-3), the writ petition is disposed of with the following direction:–

> *i) The respondent no. 4 is directed to pay interest @ 6% per annum, to be calculated from 31.08.2018 till the date of its actual payment in terms of judgment rendered in case of* ***A.S. Randhawa (supra)***.

7. The aforesaid exercise shall be undertaken expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.03.2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No