IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-14221-2001 (O&M)
Date of decision : 01.04.2026

Ritesh Sood and another .....Petitioners

V/S

State of Punjab and others ....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.P. Soi, Advocate for the petitioners.

Mr. Akhil Kamra, A.A.G., Punjab.

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NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents to make payment of interest @ 18% per annum on the arrears of pension of the mother of the petitioners for the period from 09.09.1989 to 30.11.2000.

2. Learned counsel for the petitioners submits that the mother of the petitioners, who was working as D.P.E. in the Government Girls Senior Secondary School, Old Police Lines, Patiala, unfortunately died on 16.03.1989 due to cancer. He further submits that the arrears of pension for the period from 09.09.1989 to 30.11.2000 amounting to Rs.2,69,311/- were paid to the petitioners on 08.09.2000. He further submits that since there is a considerable delay in releasing the said amount, therefore, the petitioners are entitled for interest on the delayed payment of said amount.

3. Per contra, learned State counsel, while referring to the averments made in the written statement filed on behalf of respondents No.1, 2 & 4, submits that the requisite pensionary documents including Form 15-A was submitted by the father of the petitioners on 27.07.1999 and subsequently, the pensionary benefits were sanctioned on 24.09.1999 by the Accountant General, Punjab. Therefore, the delay in releasing the arrears of pension to the petitioners cannot be attributed to the respondents, and as such, the petitioners are not entitled for any interest.

4. The petitioners have filed a replication to the written statement filed on behalf of respondents No. 1, 2, and 4, stating therein that Form 15-A had been submitted within the prescribed time, however, the same was misplaced by the department and subsequently, the Form 15-A was again submitted on 27.07.1999. It has further been stated that since the delay in releasing the arrears of pension has occurred due to negligence of the department, therefore, the petitioners are entitled for interest on the delayed payment of the arrears of pension.

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

6. Admittedly, the mother of the petitioners, who was working as D.P.E. in the Government Girls Senior Secondary School, Old Police Lines, Patiala, unfortunately died on 16.03.1989 due to cancer, whereas arrears of pension amounting to Rs.2,69,311/- for the period from 09.09.1989 to 30.11.2000 were paid to the petitioners on 08.09.2000. Even as per the stand taken by the respondents the sanction

was accorded by the Accountant General, Punjab on 24.09.1999, whereas the amount of Rs.2,69,311/- was released to the petitioners on 08.09.2000, after a delay of almost 01 year from its sanction. In view of the considerable delay in releasing the arrears of pension, the petitioners cannot be denied the benefit of interest on the delayed payment of the said benefit.

7. 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 retirer 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"*

8. Apart from this, in ***J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355***, this Court has 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."*

9. In view of the above factual position and settled principles of law, the present petition is partly allowed with a direction to the respondents to pay interest @ 9% per annum on the delayed payment of arrears of pension amounting to Rs.2,69,311/- w.e.f. 24.09.1999 (i.e. the date when the said amount was sanctioned by the Accountant General, Punjab) till the actual date of payment, within a period of 02 months from the date of receipt of certified copy of this order.

01.04.2026 **(NAMIT KUMAR)**
kothiyal **JUDGE**

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