



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

116

CWP No.16803 of 2026Date of Decision: **29.05.2026**

Om Parkash

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. K.R.Dhawan, Advocate
for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

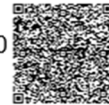
Mr. Hunarveer Sharma, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* for directing the respondents to release all retiral benefits due to the petitioner's wife, who worked as Sweeper since 1992 with respondent No.3 and was regularized on 31.05.2011 by counting her entire past service. Further, prayer has been made seeking directions to respondents to pay interest on account of the delay in making the payments.

2. On 26.05.2026, this Court passed the following order:-

“Learned counsel for the petitioner, *inter alia*, contends that the wife of the petitioner was initially appointed as a Sweeper in the office of Nagar Council, Zira-respondent No.3, and after rendering approximately 19 years of continuous service, her services were



regularized vide order dated 30.05.2011, as is evident from communication dated 22.03.2012 (Annexure P-1). It is further submitted that the wife of the petitioner unfortunately expired while in service on 23.02.2016. However, despite the lapse of considerable time, only an amount of Rs.30,000/- has been released towards her retiral benefits. Learned counsel further submits that the respondents have failed to release the statutory and consequential retiral dues, including gratuity, leave encashment, family pension, and other pensionary benefits admissible under the applicable rules and law. It is argued that the petitioner is legally entitled to the aforesaid benefits by counting the entire past service rendered by the deceased employee from the date of her initial appointment, in view of the law laid down by the Full Bench of this Court in ***Kesar Chand and others v. State of Punjab and others, 1988(5) SLR 25***, and Division Bench judgment of this Court in ***Harbans Lal v. State of Punjab and others, 2012(3) SCT 362***.

It is further contended that the petitioner had also served a legal notice dated 08.01.2026 (Annexure P-4) upon the respondents, calling upon them to release the legitimate retiral and pensionary dues; however, no action has been taken thereupon and the said notice has remained unresponded to.

Mr. Hunarveer Sharma, Advocate, has put in appearance on behalf of respondent No.3 and seeks short accommodation to have complete instructions in the matter.

List on 29.05.2026.”

3. Learned counsel for respondent No.3 submits that all the pending death-cum-retiral benefits i.e., leave encashment, gratuity and PF in respect of the petitioner’s wife would be released to the petitioner within a period of one month, as such the present writ petition be disposed of.



4. Perusal of the file transpires that wife of the petitioner, namely, Smt. Meera was appointed/engaged as Sweeper in the office of respondent No.2-Nagar Council, Zira in the year 1992 and after rendering about 19 years of continuous service, her services were regularized vide order dated 22.03.2012 w.e.f. 30.05.2011. Thereafter, she continued in service till her death on 23.02.2016 while serving the respondent-department. The deceased employee rendered about 24 years of total service including service prior to regularization and, therefore, the petitioner became entitled to all death-cum-retiral benefits including gratuity, leave encashment, PF and family pension under the applicable rules. However, only an amount of ₹30,000/- was paid at the time of death of petitioner's wife, the remaining retiral dues along with family pension have been illegally withheld till date. The petitioner repeatedly approached respondent No.3, however, even after passing of more than nine years neither the balance amount of gratuity nor other retiral dues viz., leave encashment, PF and family pension has been released.

5. It is a trite of 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 issue is no longer res integra. 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. Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case as above, the writ petition is disposed of with the following reliefs:—

- i) The respondents are directed to release the amount of entire amount of DCRG and other retiral dues alongwith interest @ 6% per annum, to be calculated after expiry of two months from the date of death of the petitioner's wife till the date of its actual realization in terms of the Full Bench of this Court in *A.S. Randhawa (supra)*;
- ii) The respondents are further directed to count the past service of 19 years rendered by the petitioner's wife prior to her regularization on 31.05.2011 for the purposes of determining qualifying service and computation of pensionary benefits, in terms of the law laid down in *Kesar Chand vs. State of Punjab and others*, AIR 1988 Punjab 265, *Harbans Lal v. State of Punjab*, CWP No.2371 of 2010 upheld by Hon'ble the Supreme and *State of Haryana and others v. Jai Bhagwan*, LPA No.1892 of 2019. Consequently, the petitioner shall be entitled to all consequential arrears of pension and other retiral benefits arising therefrom;
- iii) The petitioner shall further be entitled to interest @ 6% per annum on the arrears of pension and other consequential benefits from the date the same became due till the date of actual payment. However, while computing and releasing the aforesaid benefits, the respondents shall be at liberty to adjust the employer's contribution towards the Contributory Provident Fund (CPF), if any, along with such other admissible adjustments as are permissible under law.



7. It is not disputed that the petitioner's wife, who expired on 23.02.2016, was a Class-IV employee. Keeping in view the prolonged deprivation of legitimate pensionary benefits, respondent No.3 is directed to complete the entire exercise of calculation and release of the entire dues within a period of three months from the date of receipt of a certified copy of this order.

8. Needless to say, in case respondent No.3 deviates from the directions issued by this Court respondent No.1 is directed to attach salary of respondent No.3 till the entire payment is released to the petitioner within a period of three months and file his compliance report in this Court.

9. It is made clear that in the event respondent No.3 fails to comply with the aforesaid directions within the stipulated period, the petitioner shall also be at liberty to avail appropriate remedies available in law, including initiation of contempt under Article 215 of the Constitution of India for willful disobedience of the present order.

10. Copy of the order be handed over learned counsel for the respondents.

(HARPREET SINGH BRAR)
JUDGE

29.05.2026

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