**214 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**CWP-29365-2017**
**Date of decision: 10.02.2026**

**BAL MUKAND ....Petitioner**

**Versus**

**STATE OF HARYANA AND ORS. ....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sumit Saddi, Advocate and
Mr. Karanvir Singh Kathuria, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Padamkant Dwivedi, Advocate and
Ms. Ayushi, Advocate
for respondents No.2 to 4.

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**HARPREET SINGH BRAR, J (Oral):**

1 The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *Mandamus* directing the respondents to make the payment of interest on the delayed payments of pensionary benefits @ 12 % per annum from the date of due payments to the date of actual payments.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner retired from the post of Lower Division Clerk (L.D.C.) on 31.05.2007 after attaining the age of superannuation. The pension payment order of the petitioner was prepared on 26.08.2013. The first cheque as arrears of pensionary benefits was issued only on 31.10.2013 and the

remaining amount was paid on 19.12.2013. The petitioner represented to the respondents seeking interest on the delayed payment of pensionary benefits, which is discernible from representation dated 19.03.2014 (Annexure P-3), which remains unheeded. Hence, the present petition.

3. *Per contra,* learned counsel for the respondent-Nigam submits that the disciplinary proceedings were initiated against the petitioner. In terms of the charge sheet issued on 17.10.2003, the petitioner was held responsible for embezzlement of Rs.3,29,640/-. The petitioner was punished for recovery of Rs.27,910/- after concluding the inquiry on 30.12.2005. The appeal filed by the petitioner was dismissed and thereafter, he filed CWP-6043-2009 which was also dismissed on 29.01.2009. An intra-Court appeal i.e. LPA-978-2011 was filed against the order dated 29.01.2009 passed by the Coordinate Bench of this Court, which is still pending as admitted case.

4. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that a charge sheet was issued to the petitioner on 17.10.2003, which culminated on 30.12.2005 and he was awarded a penalty of stoppage of two annual increments with future effect along with recovery of interest of Rs.27,910/-. Admittedly the disciplinary proceedings concluded on 30.12.2005 and the appeal filed by the petitioner was dismissed on 08.02.2008 and he retired on 31.05.2007. On the eve of his retirement, there were no pending disciplinary proceedings against him. At the most, the respondent-Nigam could have withheld Rs.27,910/-. The retiral dues of the petitioner including gratuity,

leave encashment were not released. On 26.08.2013, the PPO & GPO in respect of the petitioner was issued by the Chief Accounts Officer of UHBVNL Panchkula and the following payments were made to the petitioner:-

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|---|---|---|
| 1. | Arrears of pension w.e.f. 01.06.2007 to 31.10.2013 vide cheque No.942888 dated 31.10.2013 | 97381-00 |
| 2. | Arrears of pension by 11nd Cheque No.948141 dated 19.12.2013 | 10918-00 |
| 3. | Gratuity | 51414-00 |
| | Total | 1,59,713-00 |

5. As such, case of the petitioner is squarely covered by the judgment rendered by a Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343,*** wherein disbursement of pension and other benefits payable at retirement must be done in a timely manner. Any delay over a period of two months, qua the said disbursement would entitle the retired employee to claim interest on the amount due. Speaking through Justice N.K. Sodhi, the following was held:

> *"9. 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.* ***<u>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</u>*** *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. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%."*
>
> (emphasis added)

6. Reliance in this regard may also be paid on the judgments rendered by the Hon'ble Supreme Court in ***S.K. Dua Vs. State of Haryana, (2008) 3 SCC 44*** and ***State of Kerala Vs. M. Padmanabhan Nair, (1985) 1 SCC 429.***

7. In view of the above discussion, present petition is allowed and since the pensionary benefits were paid to the petitioner about a period of 06 years from the date of his retirement, the respondent-Nigam is directed to pay interest @6% per annum on the delayed payments of pensionary benefits, to be calculated after two months of his retirement i.e. 31.05.2007 till the date of its actual realization, in view of the judgment passed by a Full Bench of this Court in ***A.S. Randhawa***'s case (*supra*). Needful be done within a period of three months from the date of receipt of certified copy of this order.

*8.* Pending miscellaneous application(s), if any, stand disposed of accordingly.

**(HARPREET SINGH BRAR)**
**JUDGE**

**10.02.2026**

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |