



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

CWP-21510-2022
Date of decision: 04.02.2026

RAJINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

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

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 *Certiorari* for quashing the impugned speaking order dated 26.07.2022 (Annexure P-4) and the impugned communication dated 13.07.2022 (Annexure P-5), with a further prayer for issuance of writ in the nature of *Mandamus* directing the respondents to release the remaining retiral benefits i.e. the remaining amount of Gratuity and leave encashment, which accrued to the petitioner consequent to revision of his pay. A further prayer has been made for issuance of a writ in the nature of *Mandamus* directing the respondents to pay interest @ 18 % per annum on account of the delay in payment of the aforesaid dues, in view of the judgment rendered by the Full Bench of this Court in *A.S. Randhawa Vs. State of*



Punjab 1997(3) S.C.T. 468).

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, after attaining the age of superannuation, retired on 31.03.2019. On the eve of his retirement, no charge-sheet, or criminal or disciplinary proceedings were pending against him and, therefore, there was no embargo whatsoever on the release of his retiral dues. It is further submitted that the petitioner was constrained to file CWP-11747-2022 titled as ***Rajinder Singh vs. State of Punjab and others***, which was disposed of by this Court vide order dated 27.05.2022 (Annexure P-2), with a direction to respondent No.3 to pass a speaking order with respect to the claim raised in legal notice dated 21.04.2022. In purported compliance thereof, the impugned speaking order came to be passed.

3. Learned counsel for the petitioner submits that respondent No.3 has illegally resisted and withheld the payment of enhanced gratuity to the petitioner in terms of the Payment of Gratuity (Amendment) Act, 2018, which was notified on 29.03.2018, enhancing the maximum limit of gratuity to ₹20,00,000/- under Section 4(3) of the said Act. Since the petitioner retired on 31.03.2019, he is entitled to the benefits of the same with an enhanced gratuity. The decision taken by respondent No.3 in the impugned order (Annexure P-4) is wholly misconceived. It is further submitted that even though the respondents have agreed to grant the enhanced gratuity, the same has been released in a piecemeal manner, instead of making a lump-sum payment. Similarly, the arrears arising out of re-fixation of pay scale have also not been fully released and are being



paid in installments.

4. Learned counsel appearing for respondent No.3 submits that although the amendment enhancing the gratuity limit was notified on 29.03.2018, the Government of Punjab adopted and made it applicable to the concerned department only on 26.11.2021. However, learned counsel for respondent No.3 as well as learned State counsel are not in a position to controvert the fact that the petitioner retired on 31.03.2019, and that his retiral dues were not released on the due date, as well as the fact that on the date of his retirement there were no pending disciplinary or criminal proceedings against him.

5. I have heard learned counsel for the parties and have perused the record with their able assistance. It transpires that the petitioner retired on 31.03.2019, and his retiral dues were not released on the due date. Rather, the same were released in a piecemeal manner, that too after the petitioner was compelled to approach this Court on two occasions. Some portion of the retiral dues was released during the pendency of the present petition as well.

4. In view of the law laid down by the Full Bench of this Court in *A.S. Randhawa (supra)*, the present petition is allowed and the petitioner is entitled to interest on the delayed payment of his retiral dues at the rate of 6% per annum, payable after expiry of two months from the date of his retirement till actual realization. Accordingly, the respondents are directed to release the retiral dues to the petitioner along with interest @ 6% per annum to be calculated after two months of retirement of petitioner till its actual realization. The same shall be released to the petitioner within



a period of three months from the date of receipt of a certified copy of this order. It is further made clear that respondent No.2 shall ensure strict compliance of the directions issued by this Court. Any deviation or non-compliance shall entitle the petitioner to avail appropriate remedies, including initiation of proceedings under Article 215 of the Constitution of India. A copy of this order be supplied to learned State counsel for necessary compliance.

(HARPREET SINGH BRAR)
JUDGE

04.02.2026
monika

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