



120

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

CWP-23148-2025

Date of decision: 11.08.2025

Kulwant Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

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 orders issued vide letters dated 29.05.2025 and 17.06.2025 (Annexure P-5 & P-6, respectively) passed by respondent No.2.

2. Learned counsel for the petitioner is mainly aggrieved by the action of the respondents in failing to fix the pension of the petitioner and to release the retiral dues thereof despite a lapse of period of ten years since his superannuation on 31.03.2024. Further still, the petitioner is equally aggrieved by impugned order dated 29.05.2025 passed by respondent No.2 thereby again directing the petitioner to approach respondent No.3 for the redressal of his grievance instead of doing the needful in terms of the directions issued by this Court on 02.05.2025 in CWP No.12295 of 2025. He further submits that the petitioner has rendered more than 36 years of service and his work and conduct always remained satisfactory and he has retired way back on 31.03.2024.

Similarly situated employees have already been granted the benefit of the



CWP-23148-2025

-2-

pension with effect from the date of their superannuation.

3. Learned State counsel could not controvert the factual position as asserted by counsel for the petitioner. However, he further submits that necessary action shall be taken in accordance with law.

4. Having heard learned counsel for the petitioner and after considering the apparent facts and circumstances of the case as well as perusing the impugned orders, the case is decided in *limine* in view of the settled law and undisputed facts.

5. There is no justifiable reason for withholding the retiral benefits of the petitioner. Further, the perusal of the impugned orders (Annexures P-5 and P-6) indicates that the retired petitioner has been withheld without any justifiable cause and on flimsy grounds. There was no disciplinary proceedings or any charge sheet pending against the petitioner nor any document is due which the petitioner was obligated to submit, as such, the delay on part of the respondents in releasing the retiral benefits is not justified.

6. Pension and other retiral benefits do not possess a gratuitous nature. Rather, such benefits accrue to the retiree by virtue of dedicated service rendered by him to his employer for a significant portion of his life. A Constitution Bench of the Hon'ble Supreme Court in ***D.K. Nakara and others vs. Union of India (1983) 1 SCC 305*** has categorically stated that pension is not a matter of bounty or grace but a vested right. Speaking through Justice D.A. Desai, the following was opined:

“20. The antiquated notion of pension being a bounty, a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deoki Nandan Prasad v. State of Bihar, 1971



(Supp) SCR 634 wherein this Court authoritatively ruled that **pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a Government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon anyone's discretion.** It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in *State of Punjab v. Iqbal Singh*, (1976) 3. SCR 360 .

xxx

xxx

xxx

28. Pensions to civil employees of the Government and the defence personnel as administered in India appear to be a compensation for service rendered in the past. However, as held in *Dodge v. Board of Education*, (1937) 302 US 74 : 82 Law Ed 57 a pension is closely akin to wages in that it consists of payment provided by an employer, **is paid in consideration of past service and serves the purpose of helping the recipient meet the expenses of living. This appears to be the nearest to our approach to pension with the added qualification that it should ordinarily ensure freedom from undeserved want.**

29. Summing-up it can be said with confidence that **pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to ageing process and therefore, one is required to fall back on savings.** One such saving in kind is when you gave your best in the he day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowances or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. **Thus the pension payable to a Government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation for service rendered. In one sentence one can say that the most practical raison d'etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon.**”(emphasis added)

Further, a two Judge Bench of the Hon'ble Supreme Court in ***Pepsu Road Transport Corporation, Patiala vs. Mangal & Ors. 2011 (11) SCC***

702 speaking through Justice H.L Dattu made the following observation.

34. The concept of pension has been discussed in *Halsbury's Laws of*



England, Fourth Edition (Reissue), Vol. 16, para. 400 as thus:

"Meaning of 'pension'. 'Pension' means a periodical payment or lump sum by way of pension, gratuity or superannuation allowance as respects which the Secretary of State is satisfied that it is to be paid in accordance with any scheme or arrangement having its object or one of its objects to make provision in respect of persons serving in particular employments for providing them with retirement benefits ... 'Pension' does not include:

(i) a payment to an employee which consists solely of a return of his own contributions, with or without interest;

(ii) that part of a payment to an employee which is attributable solely to additional voluntary contributions by that employee made in accordance with the scheme or arrangement;

(iii) a periodical payment or lump sum, in so far as that payment or lump sum represents compensation under the statutory compensation schemes and is payable under a statutory provision, whether made or passed before, on or after 31st July 1978"

35. The concept of pension has also been considered in Corpus Juris Secundum, Vol. 70, at pg. 423 as thus:

"A pension is a periodical allowance of money granted by the Government in consideration or recognition of meritorious past services, or of loss or injury sustained in the public service. A pension is mainly designed to assist the pensioner in providing for his daily wants, and it presupposes the continued life of the recipient."

*36. To sum up, we state that the concept of pension has been considered by this **court** time and again and in catena of cases, it has been observed that the Pension is not a charity or bounty nor is it a conditional payment solely dependent on the sweet will of the employer. It is earned for rendering a long and satisfactory service. It is in the nature of deferred payment for past services. It is a social security plan consistent with the socio-economic requirements of the Constitution when the employer is a State within the meaning of Article [12](#) of the Constitution rendering social justice to a superannuated Government servant. It is a right attached to the office and cannot be arbitrarily denied. [see **A.P. Srivastava v. Union of India**, (1995) 6 SCC 227, **Vasant Gangaramsa Chandan v. State of Maharashtra**, (1996) 10 SCC 148, **Subrata Sen v. Union of India**, (2001) 8 SCC 71, **Union of India v. P.D. Yadav**, (2002) 1 SCC 405, **Grid Corpn. of Orissa v. Rasananda Das**, (2003) 10 SCC 297, **All India Reserve Bank Retired Officers Assn. v. Union of India** (Supra)].*

7. The approach adopted by the respondents to deprive the petitioner of the well-deserved pension accrued to him, in view of the service rendered by



him, ought to be condemned in the strictest terms. Oftentimes, retiral benefits are the only source of income for many families, especially when the primary breadwinner has retired. The retired employees and their kin not only rely on the same for fiscal security but also for their very survival. It was also observed in *D.K. Nakara(supra)* that pension and retiral benefits are akin to wages, relied upon the pensioner and his family for assistance post-retirement. On that note, reference may be drawn to the judgment rendered by a Constitution bench of the Hon'ble Supreme Court in *Olga Tellis vs. Bombay Municipal Corporation (1985) 3 SCC 545*, whereby the scope of Article 21 of the Constitution of India was expanded by interpreting it to include the right to livelihood. Speaking through Justice Y.V. Chandrachud, the following was observed:

32. ...An equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood. **If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live.** And yet, such deprivation would not have to be in accordance with the procedure established by law, if the right to livelihood is not regarded as a part of the right to life. That, which alone makes it possible to live, leave aside what makes life livable, must be deemed to be an integral component of the right to life. **Deprive a person of his right to livelihood and you shall have deprived him of his life. ...**”
(emphasis added)

8. Furthermore, the right to life enshrined in Article [21](#) of the Constitution of India, is not limited to mere animal -like existence but includes the right to live a meaningful life, with dignity in the truest sense of the term. The Hon'ble Supreme Court in *Francis Coralie Mullin vs. Administrator, Union Territory of Delhi (1981) 1 SCC 608* has opined that any act offending



human dignity constitutes a violation thereof. It was further clarified that bare necessities such as “adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings” as well as any other activities constituting a “bare minimum expression of human self,” subject to the degree of economic development of the State, form a part and parcel of right to life under Article [21](#) of the Constitution of India.

9. In a welfare State like ours, the very object of granting pension and other retiral benefits is to secure to retirees and their families the means to live a life of dignity; accordingly, any delay in the disbursement of such benefits particularly when occasioned by the omission or lapse of the State or its instrumentalities must be regarded as a violation of the beneficiaries’ fundamental rights. In that vein, a gainful reference can be made to the judgment rendered by a Full Bench of this Court in ***A.J. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343*** wherein it was opined that 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 retiree 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. 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)

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***.

10. In the present case, the petitioner has served with the respondents for about 36 years (with an unblemished service record as nothing has been brought before this Court by the respondents that his conduct was ever found to be inappropriate during the whole service tenure.) The pension, gratuity and other retiral benefits are the earnings of an employee for the services rendered by him with the respondents. Taking away or withholding such benefits after retirement amounts to depriving the petitioner from the right to life because the retiral benefits are the sources by which the petitioner and his family arrange for their bread and other necessities.

11. The pension and retiral dues, which was unjustifiably withheld, shall be released to the petitioner within a period of thirty (30) days, together with interest at the rate of 7.5% per annum, computed from 31.03.2024 until the date of actual disbursement.

12. The valuable time of this Hon’ble Court has been unnecessarily consumed in adjudicating the present avoidable litigation, which the petitioner was constrained to initiate on account of the conduct of the respondents in gross violation of law. The proceedings are wholly contrary to the fundamental

objectives of the Litigation Policy of the State of Punjab. Since the petitioner’s pensionary dues were unjustifiably withheld, the respondents are directed to pay costs of Rs.25000/-, the same to be disbursed by the State to the petitioner within thirty (30) days from the date of this order.

(HARPREET SINGH BRAR)
JUDGE

11.08.2025
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No