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

106 **CWP-28441-2025**
Date of Decision: 07.05.2026

DR. ANSHU NAYYAR **…Petitioner(s)**

Versus

STATE OF HARYANA AND OTHERS **…Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Jasneet Kaur, Advocate with
Mr. Rajat Chauhan, Advocate for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to release pensionary benefits to the petitioner under the Old Pension Scheme (OPS).

2. The petitioner approached this Court with a grievance that she was appointed as Lecturer (College Cadre) in the respondent/Department on 07.07.2006, pursuant to the advertisement published on 16.07.2005. Initially she was made a member of the New Pension Scheme (NPS), but later the Government issued an office memorandum dated 08.05.2023, Annexure P-1, whereunder an option was given to the employees who have been appointed in response to an advertisement issued prior to 28.10.2005, to opt for the OPS under the Punjab Civil Services Rules, Volume II [now Haryana Civil Services (Pension) Rules, 2016]. The petitioner opted for the same vide letter dated 24.07.2023, and the respondents approved her case for giving benefits under the OPS along with other employees, vide office order dated 02.01.2024, Annexure P-2. However, the benefits were not released even after

her retirement from service with effect from 30.11.2024. She was forced to approach this Court by filing the instant petition. It was during the pendency of the petition that the benefits were released to her; gratuity amounting to ₹20,00,000 on 26.12.2025, her pension share under the NPS on 21.01.2026, the remaining amount of gratuity on 13.02.2026, and arrears of pension from December, 2024 to January, 2026 on 16.02.2026.

3. Learned counsel for the petitioner contended that there is an inordinate delay in releasing the retiral benefits to the petitioner which has caused her mental harassment and financial loss. This entitles her to payment of interest.

4. Learned State counsel has referred to the affidavit dated 08.04.2026, filed on behalf of Director General, Higher Education Department, to submit that the delay caused in releasing retiral benefits to the petitioner under the OPS was not intentional and occurred only due to the administrative delay in getting sanction from the Finance Department. Besides, the petitioner's was not the solitary case, as the respondents had to take a decision concerning more than two hundred similarly situated employees which required collection of data, verification of service particulars, scrutiny of eligibility, etc., and entailed repeated consultation with the Finance Department. All this caused the delay and it shows there was no *mala fide* on the respondents' part, nor were the benefits withheld for no reason.

5. Considering the submissions, this Court is of the view that the petitioner is entitled to payment of interest on the delayed release of retiral benefits. It remains undisputed that her case for availing the benefits under the

OPS in terms of the office memorandum, dated 08.05.2023, was duly approved by the Department on 02.01.2024. They had ample time thereafter to do the necessary verifications, collection of data and consultation with the Finance Department, in case required even after the said approval, as the petitioner was to attain the age of superannuation on 30.11.2024. The delay concededly has been caused on account of the time taken by the administration in getting the requisite clearance, for which the petitioner cannot be faulted; nor is there any justification to deny the rightful due retiral benefits to the petitioner on the date of entitlement because the Department was unable to process her case. This lack of promptitude, bordering on inefficiency, must be to the detriment of the respondents, not the petitioner. She had to suffer because of this delay, both psychologically and financially, for which she needs to be compensated by payment of interest.

6. Accordingly, the petition is disposed of directing the respondents to pay interest at the rate of nine per cent per annum to the petitioner on the delayed release of retiral benefits with effect from 01.12.2024 till the date these benefits were actually released to her. These directions shall be carried out by the respondents within four weeks of receiving a certified copy of the order, failing which the due benefits will carry interest at the rate of twelve per cent thereafter till actual payment.

(TRIBHUVAN DAHIYA)
JUDGE

07.05.2026
Ad

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*