



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

106/1

CWP-31965-2025

Date of Decision: 07.05.2026

DR. VIJAY KUMAR SHARMA AND ANOTHER ...Petitioner(s)**Versus****STATE OF HARYANA AND OTHERS****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Jatender Nara, Advocate with
 Mr. Rajat Sharma, Advocate for the petitioners.

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 petitioners under the Old Pension Scheme (OPS).

2. The petitioners approached this Court with a grievance that the petitioners were appointed as Lecturer (College Cadre) in the respondent/Department pursuant to the advertisement published on 16.07.2005. Initially they were made members of the New Pension Scheme (NPS), but later the Government issued an office memorandum dated 08.05.2023, Annexure P-4, 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 provisions of the Punjab Civil Services Rules, Volume II [now Haryana Civil Services (Pension) Rules, 2016]. The petitioners opted for the same vide letters dated 24.07.2023 and 29.07.2023, and the respondents approved their cases for giving benefits under the OPS along with other employees, vide office order dated



their retirement from service with effect from 31.08.2024. They were forced to approach this Court by filing the instant petition.

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

4. Learned State counsel has received instructions from the second respondent/Director General, Higher Education, vide memo dated 07.05.2026, which is retained on the case file as Annexure 'A'. Referring to the same, he submits that the due benefits have already been released to petitioner no.1/Dr. Vijay Kumar Sharma on 20.03.2023, case of petitioner no.2 has been forwarded to the Treasury Office, and all retiral benefits will be released to him shortly. He has also referred to the affidavit dated 08.04.2026, filed on behalf of Director General, Higher Education Department, to submit that the delay in releasing retiral benefits to the petitioners under the OPS is not intentional and has happened only due to the administrative delay in getting sanction from the Finance Department. Besides, the petitioners' was not the solitary case, as the respondents have 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 petitioners are entitled to payment of interest along with retiral benefits under the OPS. It remains undisputed that their cases for availing the benefits under

the OPS in terms of the office memorandum dated 08.05.2023, were 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 petitioners were to attain the age of superannuation on 31.08.2024. The delay concededly has been caused on account of the time taken by the administration in getting the requisite clearance, for which the petitioners 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 their cases. This lack of promptitude, bordering on inefficiency, must be to the detriment of the respondents, not the petitioners. They have to suffer because of this delay, both psychologically and financially, for which they need 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 petitioners on the delayed release of retiral benefits with effect from 01.09.2024 till the date these benefits were actually released to them. 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

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>