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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-34529-2024 (O&M)  
Date of Decision: 16.03.2026

KULTAR SINGH

... PETITIONER

VERSUS

PEPSU ROAD TRANSPORT CORPORATION

....RESPONDENT

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

Present : Mr. Vikas Chatrath, Sr. Advocate with  
Ms. Tanya Bhurji, Advocate and  
Ms. Yaashica, Advocate for the petitioner.

Mr. Danish Mangat, Advocate for the respondent.

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

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* seeking quashing of impugned order dated 22.07.2022 (Annexure P-3), whereby the petitioner's claim for grant of interest on account of delayed payment of gratuity has been rejected. Further, a writ of *mandamus* has been sought for directing the respondents to release interest @ 18% per annum on



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the delayed payment of gratuity to the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner retired on 30.04.2016 after serving the respondent-Corporation for 22 years and was entitled for release of pensionary benefits on the date of his retirement but his gratuity was released after approximately six years i.e. on 19.04.2022. On the eve of his retirement, the petitioner was not facing any disciplinary proceedings. The claim of the petitioner for payment of interest on gratuity was rejected vide order dated 22.07.2022 (Annexure P-3). The petitioner served a legal notice dated 23.03.2022 and also filed CWP-11678-2022, which was disposed of vide order dated 27.05.2022 (Annexure P-2) with a direction to decide the legal notice dated 23.03.2022 within a period of eight weeks. Learned counsel for the petitioner relies upon the judgment rendered by this Court in **CWP-15306-2016** titled as ***Hari Ram v. Pepsu Road Transport Corporation***, decided on 04.09.2017. Further, the charge sheet issued on 03.09.2010 was kept pending for more than 11 years and was only decided after the retirement of the petitioner i.e. on 11.11.2021, violating the right of the petitioner for getting the disciplinary proceedings decided within a reasonable time. The petitioner has already filed a civil suit in the year 2024 challenging the order of punishment dated 11.11.2021, in which recovery of 1/4th share from the payable pension for one year was ordered, which was dismissed by the Civil Court, vide judgment and decree dated 28.02.2024 and the appeal preferred against the same was admitted vide



order dated 15.04.2024 by the learned first appellate Court, as discernible from Annexure P-5. Learned counsel submits that the controversy stands squarely covered by the authoritative pronouncement of the Full Bench of this Court in *A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343*.

3. Learned counsel for the respondents reiterates the stand taken in the speaking order (Annexure P-7) and submits that the delay has occurred due to pendency of departmental proceedings against the petitioner.

4. In rebuttal, learned counsel for the petitioner refers to Annexure P-7 and submits that it has categorically been mentioned in the Speaking order dated 01.11.2021, that interest is to be calculated after three months of the date of retirement of the petitioner and the General Manager, Budhlada and CAO were also directed to process the case of petitioner. In the said speaking order, it was also clarified that if the petitioner is found entitled, after due audit, the benefits shall be released to him.

5. I have heard learned counsel for the parties and perused the record with their able assistance. It is not in dispute that the charge-sheet was issued on 03.09.2010 on the ground that the petitioner while serving the respondent-Corporation as Driver had caused an accident in District Rewari in which a motorcycle rider was injured and lady pillion rider died. The aforesaid charge-sheet was kept pending for more than 11 years and was only concluded on 11.11.2021 (Annexure P-4) when the punishment order of recovery of 1/4th



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share from the payable pension for one year was ordered. The petitioner cannot be made to suffer due to administrative lethargy.

6. It is trite law that retiral benefits are not a matter of grace or bounty, but a statutory and vested right accruing to an employee upon superannuation. The case of the petitioner is covered by the law laid down by the Hon'ble Supreme Court in ***Prem Nath Bali Vs. Registrar, High Court of Delhi and another, Civil Appeal No.958 of 2010***, decided on 16.12.2015 and the judgment of this Court in ***CWP-9606-2022 titled as Khairati Lal Vs. State of Haryana and others***, decided on 13.10.2025, wherein it has been held that the disciplinary proceedings against an employee must be decided within a reasonable period of time. As such, the petitioner is entitled to the interest on account of delay in releasing the gratuity.

7. In view of the above discussion, the present petition is disposed of with a direction to the respondent Corporation to release the amount of interest on the delayed payment of gratuity @ 06% per annum, to be calculated from two months of date of retirement of the petitioner i.e. 30.04.2016 till its actual realization, in terms of the judgment rendered in ***A.S. Randhawa's case (supra)***.

8. The respondent Corporation is directed to exclude a period of one year- being a reasonable and rational duration ordinarily required for the culmination of disciplinary proceedings- while computing the aforesaid period for the purpose of payment of interest on delayed disbursement.



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9. The aforesaid exercise shall be undertaken expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.03.2026  
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(HARPREET SINGH BRAR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |