



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CWP-8490-2018 (O&M)

Date of decision: 14.07.2025

Baljeet Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Jai Bhagwan Tobria, Advocate for the petitioner(s).

Mr. Tapan Kumar, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 19.02.2018 whereby the claim for interest on the delayed payment of arrears of pensionary benefits including DCRG, GPF, GIS, leave encashment and communication etc., has been declined to the petitioner on the ground that they were released within three months.

2. The facts giving rise to the present petition are that the petitioner retired from Govt. service on 31.05.2016 from the post of SDO in Irrigation Department, Haryana on attaining the age of superannuation. The retiral dues were however not paid to him within the prescribed time. The DCRG was actually paid on 20.12.2016 and 20.12.2017, which was to be paid on 31.05.2016. GPF, GIS and leave encashment were paid on 18.06.2016, 29.06.2016, 20.12.2016 respectively. Some portion of commutation of pension was paid on 27.06.2017 and an amount of Rs.88034/- of DCRG of the petitioner was withheld for which the petitioner had to approach this Court vide CWP-20967-2017. The same was disposed



of vide order dated 15.09.2017 with a direction to the respondents to decide the legal notice served by the petitioner.

3. The petitioner had then been informed that certain bills of the two attached vehicles to the tune of Rs.11,279/- were not accounted for + batteries worth Rs.74,445/- were stolen for which the recovery had to be made. It is contended that no concrete reason or evidence of any lapse by the petitioner was given, yet, the entire benefits were withheld. He submits that a set procedure for placing the due amounts as miscellaneous advance is already in force in the department, in terms of letter dated 30.03.2011 issue by the Engineering-in-Chief, Irrigation Department. Non compliance and adherence to the available procedure and to instead withheld the entire amount shows that the respondents pursued some vendetta.

4. Highlighting the said aspects in detail, the petitioner submitted a legal notice regarding the amount payable to him, including the interest on delayed payments to the tune of Rs.2,16,010/- calculated @12% per annum. The above writ had thus been filed in the above back drop.

5. In compliance thereto, the respondents, while deciding the legal notice dealt with only the amount of Rs.88034/- and the interest @12% per annum for delayed payment i.e. Rs.2,16,010/- was not touched.

6. Learned counsel for the petitioner submits that similar issue has already been decided by this Court in **CWP-8772-2015** titled as '**Charan Das V. State of Punjab and others**' decided on 11.07.2017, wherein an interest @12% per annum was awarded. He also refers to the various judgments of the Hon'ble Supreme Court to support his claim.



7. Learned State counsel on the other hand re-iterated the averments made in the written statement filed on behalf of respondents No.1 to 5 and submits that the legal notice served by the petitioner was considered as per service rules and as the petitioner was not found entitled for any relief as sought for, his claim was rightly rejected.

8. He contends that 12 Tippers were under the charge of the petitioner while posted as J.E. at RLI Division, Jhajjar. 2 Tippers were stolen and a warning was issued to him but he remained negligent due to which batteries of 5 Tippers were stolen on 10.03.2010. Various other discrepancies of billing were also noticed. The loss thus had to be recovered. Mandatory no dues certificate was not deposited by the petitioner due to which the balance amount i.e. over and above the loss was released promptly. The no dues certificate was finally issued on 07.11.2017 whereupon the withheld dues were also released.

9. The respondent-department has given a narrative which remains silent on the steps taken or procedure followed between withholding of N.O.C. and issuance thereof and what led to the claim of the petitioner being finally accepted.

10. It is a settled position of law that payment of retiral benefit is a statutory duty of employer. Moreover, the law on grant of interest on delayed release of retiral and pensionary benefits is no longer *res integra*. In case of '**A.S. Randhawa V. State of Punjab and others**' reported as 1997 (3) SCT 468, Full Bench of this Court observed that a Govt. employee on his retirement becomes entitled to pension immediately. In the present case,



there is no satisfactory explanation as to why there was a delay in release of benefits. The rate of interest however varied in different cases. Currently the interest rates on saving deposits and FD's vary between 4% to 7.5%.

11. In view of the above discussion, the present writ petition is disposed of. This Court is of the opinion that in absence of any lawful satisfactory reason for withholding the retiral benefits, the petitioner needs to be suitably indemnified. Petitioner is thus held entitled to interest @ 6% per annum w.e.f. 31.08.2016 till the date of actual disbursement within a period of 3 months from the date of receipt of certified copy of this order, failing which the petitioner shall be entitled to interest @ 9% per annum, which such enhanced interest liability may be recovered from the officials responsible for causing such delay.

12. **Petition stands disposed of in above terms.**

(VINOD S. BHARDWAJ)
JUDGE

14.07.2025

Mangal Singh

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