



**CM-5380-CWP-2025 and
CM-5381-CWP-2025 in/and
CWP-24028-2018** 1

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

**(106) CM-5380-CWP-2025 and
CM-5381-CWP-2025 in/and
CWP-24028-2018
Date of Decision : April 21, 2025**

Makhan Singh .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-5380-CWP-2025

As prayed for, the application is allowed.

Delay of 126 days in filing the restoration application, is
condoned.

CM-5381-CWP-2025

Present application has been filed for recalling the order dated
29.10.2024, by which, the present writ petition was dismissed for non-
prosecution.

Notice of the application to the counsel opposite.

Mr. T.P.S. Chawla, learned Sr. Deputy Advocate General,
Punjab, who is present in Court, accepts notice on behalf of the respondents.



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He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 29.10.2024 is recalled and the writ petition is restored to its original number and status.

CWP-24028-2018

1. In the present writ petition, the claim of the petitioner is for the release of interest amount on the delayed release of the benefit of provident fund by the respondents which benefit was released to the petitioner after a delay.
2. Learned counsel for the petitioner submits that as per the settled principle of law settled by the Full Bench of this Court in A Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*, the pensionary benefits are to be released to the beneficiary employee within a period of two months of retirement failing which, the employee is entitled for the grant of interest amount hence, as the petitioner had retired from service on 31.03.2015 and the provident fund was released to the petitioner in the month of March, 2016, the petitioner is entitled for grant of interest on the said amount and therefore, it is the prayer of the petitioner that the petitioner be granted the said benefit of interest amount.
3. Upon notice of motion, the respondents have filed the reply.



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4. Learned counsel for the respondents submits that though the petitioner had retired from service on 31.03.2015 but the petitioner only filed the self declaration form for the release of the pensionary benefits on 01.10.2015 which was duly dealt by the Department and cleared within a period of one month and the bill qua the same was sent to the Treasury in January, 2016 and the same was released on 11.01.2016 and the payment was made on 08.03.2016 to the petitioner.

5. Learned counsel for the respondents further submits that the delay qua the benefit of provident fund is only attributable to the petitioner as he was required to fill the requisite form six months prior to the retirement so that the benefits are released immediately and therefore, in the facts and circumstances of the present case, no interest amount is liable to be paid to the petitioner.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded fact that the petitioner retired from service on 31.03.2015 and as per the reply filed, the petitioner only filled up the required form for the release of the provident fund on 01.10.2015 much after when petitioner retired. The said request of the petitioner qua release of benefit of provident fund was dealt with and approved within a period of one month and the sanction was also accorded for the release of the benefits on 01.01.2016 and the payment was also released to the petitioner on 08.03.2016.



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8. Keeping in view the totality of the circumstances, it cannot be said that there has been a delay on the part of the respondents for releasing the benefits of provident fund rather, it was the petitioner who never filled up the form so as to claim the benefit of the provident fund even after six months of his retirement.
9. Keeping in view the above, no ground is made out for the grant of the interest in the facts and circumstances of the present case.
10. Accordingly, the writ petition is dismissed.

April 21, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No