

2025:PHHC:127273



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

SR. NO.229

**CWP-27220-2023 (O&M)
DATE OF DECISION:26.08.2025**

SUKHCHAIN SINGH

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. G.S. Dhot, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The petitioner had filed the present petition before the Court with a prayer to issue a writ in the nature of certiorari for quashing the order dated 31.03.2022 (Annexure P2), whereby the retiral benefits of the petitioner had been withheld without adhering to service rules.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as a revenue patwari in respondent-department on 03.11.1992 and remained posted at various places in District Sangrur (Punjab). After completing the service of 30 years, the petitioner retired from the respondent-department on 31.03.2022 (Annexure P-2) on attaining the age of superannuation.

3. Learned counsel further submitted that at the time of retirement, it was wrongly mentioned in the order dated 31.03.2022 (Annexure P-2) that due to pendency of some vigilance inquiry against the petitioner, he was being retired from the service with provisional pension only. He next submitted that the petitioner was never issued any charge sheet nor any vigilance inquiry, as referred to by respondents in Annexure P-2, was pending against him. Consequently, the retiral benefits were wrongly withheld in violation of Rule 2.2(c) of the Punjab Civil Services Rules (Volume II), which has been reproduced below:-

“(c) (1) Where any departmental or judicial proceeding is instituted under clause (b) of rule 2.2 or where a departmental proceeding is continued under clause (i) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement or if he was under suspension on the date of retirement up to date immediately preceding to the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceedings and of final orders thereon.

The gratuity, if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of final orders by the competent authority:

Provided that where Departmental proceedings have been instituted under rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 for imposing any of the penalties specified in clauses (i), (ii) and (iv) of rule 5 of the said rules, the payment of

gratuity or death-cum-retirement gratuity, as the case may be, shall not be withheld.

(2) Payment of provisional pension made under sub-clause (1) shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.”

4. Learned counsel further submitted that the petitioner also submitted various representations to the respondents from time to time, but no action was taken on the said representations.

5. Pursuant to notice, a short reply has been filed by the official respondents and it was averred in the reply that the petitioner had retired as a revenue patwari on 31.03.2022. However, due to pendency of departmental inquiry, the provisional pension was paid to him, in view of Rule 2.2(c) Part 1 of Punjab Civil Services Rules.

6. Still further, vide memo dated 04.07.2024, a charge sheet was issued to the petitioner and the Sub-Divisional Magistrate, Sangrur was deputed as an Inquiry Officer for regular inquiry. The said inquiry was completed and the charge sheet issued against him had been filed on 25.07.2024. Consequently, the necessary pensionary benefits, i.e., leave encashment and gratuity, had been released to the petitioner vide bill No. 114 dated 10.07.2024 and bill No. 119 dated 22.07.2024. Pension Payment Order (PPO) has been issued vide Annexure R-4. Thus, the full pensionary benefits have been sanctioned with effect from the date of retirement.

7. Learned State counsel submitted that in view of the afore-stated facts, the petition deserves to be dismissed by this Court.

8. I have heard the learned counsel for the parties and perused the case file minutely.

9. In the present case, it is not in dispute that the petitioner had retired on 31.03.2022 on attaining the age of superannuation vide order (Annexure P-2). However, in the said order (Annexure P-2), it had been mentioned that the petitioner was relieved from the services with provisional pension in view of Rule 2.2(c) of the Punjab Civil Services Rules (Volume II). It was also mentioned in the said order (Annexure P-2) that vigilance inquiry was pending against him. However, it is apparent from the reply that the charge sheet was issued to the petitioner on 04.07.2024 and the inquiry officer exonerated the petitioner after a regular inquiry on 25.07.2024. Consequently, the full pensionary benefits were ultimately paid to the petitioner on 22.07.2024. However, the petitioner was entitled to the said benefits on the date of his retirement, i.e., 31.03.2022. Thus, the petitioner is entitled to interest @ 6% per annum on his pensionary benefits w.e.f. 31.03.2022 to 22.07.2024 i.e. the date of actual payment of pensionary benefits to him.

10. Even as per the settled principle of law settled by the Full Bench of this Court in *A.S.Randhawa v. State of Punjab. reported as 1997 (3) SCT 468*, if the benefit to the employee is not released immediately and there is unjustified delay, the employee will be entitled for interest. The relevant paragraphs of the said judgment is as under:-

“11. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to

ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.

12. *Further, while deciding CWP-15867-2001, titled as J.S.Cheema v. State of Haryana and others, reported as 2014 (13) RCR (Civil) 355 on 20.11.2013, it has been held that once an amount has been retained by the Department, the same should be released with interest in case it is found that the retention of the amount was unjustified. The relevant paragraph of the said judgment is as under:-*

"The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is laying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it."

11. In view of the above discussion, the petitioner is held entitled to interest @ 6% per annum on his pensionary benefits from 31.03.2022 till 22.07.2024, i.e., the date of actual payment. The interest shall be calculated from 31.03.2022 till the date of actual payment of pensionary benefits and

released within a period of two months from the date of receipt of a certified copy of this order.

12. The present writ petition stands allowed in above terms. Pending application(s), if any, shall also stand disposed off.

(N.S. SHEKHAWAT)
JUDGE

26.08.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO