



CWP-8759-2021

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

239

CWP-8759-2021 (O & M)
Date of decision: 29.01.2025

Des Raj

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the orders/letters dated 10.09.2020, 13.03.2020 and 31.07.2020, whereby the retiral benefits of the petitioner have been withheld and only provisional pension released, on account of registration of FIR No.22 dated 14.03.2019, under Sections 452, 323, 324, 148 and 149 IPC, Police Station Mahilpur, District Hoshiarpur, while he retired on 29.02.2020 from the post of Principal, Govt. Sr. Secondary School, Habowal, Hoshiarpur, wherein no challan was presented till the date of retirement, however, when the challan was subsequently presented on 06.02.2021, he was placed in column No.2, whereafter all the accused therein were



CWP-8759-2021

acquitted, vide judgment dated 01.03.2023. No disciplinary proceedings were initiated against him.

2. By interpreting Rule 2.2 of Punjab Civil Services Rules Vol-II Chapter-II and relying on **Union of India vs. K.V. Jankiraman**, 1991(4) SCC 109 wherein Hon'ble the Supreme Court held that the "proceeding" would only be considered to be initiated / pending in case the challan has been filed in the criminal Court, the Division Bench of this Court in **Atam Bodh Sharma vs. State of Haryana and others**, CWP-3567-2006, while dealing with the question as arises in present case that whether mere registration of FIR can be a ground to deny the pensionary benefits, vide judgment dated 09.10.2006, to which no challenge has been made, observed and held thus:

“6. In the present case also there is no conclusion of the trial. Even the challan has not been presented. Therefore, the respondents merely on the basis of registration of the FIR on 21.8.2003, are not within their rights to withhold the pension or pensionary benefits of the petitioner. Therefore, the impugned order dated 15/22.2.2006 (P-7) is liable to be set aside.

7. For the reasons aforementioned, this petition succeeds. The communication dated 15/22.2.2006 is hereby quashed. It is declared that the petitioner is entitled to payment of retiral benefits. Let these benefits be released to the petitioner within a period of one month from today along with gratuity, leave encashment, GIS, suspension allowance, if any, etc.

The writ petition stands disposed of in the above terms.

Petition allowed.”

3. While addressing a congruent legal issue of restricting the retiral benefits based on pendency of FIR and also in case of an appeal



CWP-8759-2021

against acquittal having been filed, the same was found to be fundamentally flawed in **Faquir Chand vs. State of Haryana and others**, CWP-3177-2009 and **Banwari Lal vs. State of Haryana and others**, CWP-4032-2009, disposed of vide a common judgment dated 13.11.2009, LPA against which stands dismissed.

4. Stressing on the importance of granting pension, Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair, (1985) 1 SCC 429** held that, "Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

5. Given the authoritative rulings in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468 and **Vijay L. Mehrotra vs. State of UP**, 2001(9) SCC 687 it is irrefutable that a retiree is rightfully entitled to compensation for delayed disbursement, best remedied by awarding interest on the outstanding sum from the date of superannuation, especially in the absence of any legitimate justification for the deferment. Full Bench of this Court in **A.S. Randhawa** (supra) underscored that upon retirement, a government employee acquires an immediate right to pension and allied benefits, imposing a duty on the State to facilitate their disbursement within a reasonable period, ideally not exceeding two



CWP-8759-2021

months. Failure to do so entitles the retiree to compensation via interest. Similarly in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, the Court likened such interest to “rent for the usage of money” that rightfully belonged to the petitioner but was unjustly retained and utilized by the State.

6. In wake of the aforesaid, the present petition is allowed. The impugned orders/letters are set aside with a directive to the respondents to release all pensionary benefits of the petitioner; with interest at the rate of 6% per annum from the date they fell due till the date of its realization. Needful be done within a period of three months.

29.01.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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