



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

**Reserved on: March 01, 2025**  
**Pronounced on: March 03, 2025**

**CWP No.693 of 2022**

**Shiv Kumar**

**. . . . Petitioner**

**Vs.**

Punjab State Civil Supplies Corporation Ltd. and another . . . . Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Amarjit Singh, Advocate for the petitioner.

Mr. Abhilaksh Gaind, Advocate for respondent No.1  
(Through Video Conferencing).

Mr. Surya Kumar, AAG, Punjab for respondent No.2.

**DEEPAK GUPTA, J.**

By way of this writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for issuance of a writ in the nature of mandamus for payment of interest @ 12% per annum on the delayed payment of retiral benefits, and further for issuance of a writ in the nature of certiorari for quashing the order dated 31.03.2015 (*Annexure P-7*), rejecting extension of service to the petitioner.

2.1 Petitioner was due to retire on 31.01.2014 on completion of 58 years of age of superannuation from the post of Senior Assistant (Accounts) in the office of the respondents. He was given extension in service for one year w.e.f. 01.02.2014 to 31.01.2015. Petitioner made representation dated 12.01.2015 for further extension of service w.e.f. 01.02.2015 to 31.01.2016. However, the said request for further extension was declined by the respondents vide order dated 30.01.2015 on the ground that competent authority; and his retiral benefits were withheld vide order dated 15.01.2015 had issued a show cause notice to the petitioner. During this period, the

State Government had issued Instructions dated 30.10.2014 (*Annexure P-5*) regarding extension of service of employees of the State Government. As per these Instructions, in case there was any departmental inquiry/criminal case or vigilance case pending against the government official, then they were not to be considered for extension of service. It was considering the said Instructions that the representation of the petitioner for extension of service was declined.

2.2 Still further, petitioner was issued a charge-sheet vide order dated 24.02.2015 under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules 1970 for keeping 20 departmental/legal cases pending connected the head office file, Faridkot. Apart from this, pursuant to another show cause notice No.165, petitioner was awarded punishment of censure vide order dated 30.06.2016 (*Annexure P-9*).

2.3 The charge-sheets issued to the petitioner were ultimately filed on 24.01.2019 vide *Annexure P-15* and thereafter his retiral dues were ordered to be released on 25.01.2019 vide order *Annexure P-16*.

3. Petitioner has now prayed for grant of interest @ 12% per annum on delayed release of retiral benefits contending that the retiral benefits were wrongly withheld from 01.02.2015 to 05.02.2019. Petitioner also prayed quashing the order dated 31.01.2015, whereby his request for extension of service was declined.

4. Respondents have opposed the claim by submitting that on account of pending inquires/charge-sheets against the petitioner, his retiral benefits were withheld at the time of his retirement and the decision not to grant extension in service and that immediately after the charge-sheets were filed on 24.01.2019, the retiral dues were ordered to be released and ultimately, they were deposited in the account of the petitioner. It is further contended that the extension in service was not granted on account of the departmental instructions.

5. Before this Court, learned counsel for the petitioner has pressed for only one relief, i.e. grant of interest @ 12% per annum on the delayed payment of retiral dues from 01.02.2015 to 05.02.2019, by relying upon the decision of Full Bench of this Court in ***"A.S. Randhawa v. State of Punjab and others' 1997(3) SCT 468.***

6. Opposing the prayer, learned counsel for the respondent has argued that the cited authority is not applicable to the facts and circumstances of the present case, as there were reasonable grounds to withhold the retiral dues and as soon as charge-sheet filed, immediately thereafter the retiral dues were released.

7. I have considered submissions of both the sides and have appraised the record carefully.

8. In ***A.S. Randhawa's case (supra)***, the Full Bench of this Court considered the question as to whether writ petition is maintainable for claiming interest only on the delayed payment of pension and other retiral benefits to which retired government employee is entitled. After referring to ***"A.K. Kapoor v. State of Haryana and Ors.", 1992(1) RSJ 469***, a judgment of Division Bench of this Court and ***"Moti Ram Gupta v. State of Haryana and Anr.", 1993(1) RSJ 799***, following ***A.K. Kapoor's case (supra)***, it was held that claim only for grant of interest on delayed pensionary benefits was maintainable in a petition under Article 226 of the Constitution of India.

9. In the above case before Full Bench of this Court, as it was found that there was no satisfactory explanation for delay in disbursing the retiral benefits to the petitioners, so they were held entitled interest @ 12% per annum from the period of delay on the amount paid to them.

10. Thus, as per the legal position explained by the Full Bench of this Court, though retired employee is entitled for interest on delayed disbursement of pensionary benefits, but it is only when there is no satisfactory explanation for the delay in disbursing the said retiral benefits.

11. In present case, petitioner was due to retire on 31.01.2015 on expiry of one year extension period. Prior thereto, he had been served a show cause notice on 15.01.2015 and later on, also served charge-sheets dated 14.03.2016 and 28.02.2017. Punishment of censure was given to him on 30.06.2016 vide Annexure P-9 on account of the show cause notice dated 08.05.2015. Charge-sheets were filed on the basis of the inquiry report on 24.01.2019 (Annexure P-15). Immediately thereafter, the retiral benefits were ordered to be issued and the same were actually deposited in the bank account of the petitioner on 08.02.2019.

12. Thus, this Court holds that there was reasonable explanation for not releasing the retiral dues to the petitioner, immediately after his retirement. As soon as the charge-sheets were filed, the retiral dues were released within a reasonable time of less than 15 days. As such, the ratio of **A.S. Randhawa's case (supra)** is not applicable to the facts and circumstances of this Court.

13. Besides above, retiral benefits were actually deposited in the bank account of the petitioner on 08.02.2019. His request for extension was declined on 30.1.2015. He claimed interest on delayed payment and sought to quash order dated 30.1.2015 by filing this petition in January, 2022 i.e. after 7 years from date of declining request for extension; and three years from payment of retiral dues. In the circumstances, petition is also clearly hit by doctrine of delay and laches. Reliance can be placed on **P.S. Sadasivaswamy vs The State Of Tamil Nadu AIR 1974 SC 2271**; and **Mrinmoy Maity Vs Chhanda Koley and others, 2024 SCC Online SC 551**.

14. Consequently, present writ petition is hereby dismissed.

March 03, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No