



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

**LPA No. 2931 of 2024(O&M)  
Date of Decision: 27.03.2025.**

**Punjabi University, Patiala**

**.....Appellant**

Versus

**Gurmel Singh and others**

**..... Respondents**

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL  
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Harchand Singh Bath, Advocate  
for the appellant.

Mr. Hardeep Singh, Advocate  
for respondents.

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**LISA GILL, J.**

**CM-7182-LPA of 2024**

Prayer in this application is for condonation of delay of 1395 days in filing the present appeal.

Learned counsel for applicant-appellant submits that in-fact, there is no delay in filing of this appeal. CWP No. 12331 of 2020 was doubtlessly disposed of on 22.12.2020 and said order was complied with. It is the subsequent order dated 31.07.2024 passed by learned Single Bench in CM-9489-CWP of 2024 seeking modification, that applicant-appellant being aggrieved of, has filed this appeal. In the given facts and circumstances, delay in filing of this appeal be condoned as otherwise it shall lead to irreparable loss to applicant-appellant.

Learned counsel for non-applicant-respondents opposed the application.

Having heard learned counsel for the parties and in the given factual matrix, delay of 1395 days in filing the appeal is condoned subject to just exceptions.

Application is accordingly disposed of.

**LPA No. 2931 of 2024(O&M)**

1. Prayer in this appeal is for setting aside orders dated 22.12.2020 and 31.07.2024, passed by learned Single Bench, whereby CWP No. 12331 of 2020 and CM-9489-CWP of 2024 in CWP No. 12331 of 2020 were disposed of.

2. Learned counsel for appellant submits that CWP No. 12331 of 2020 filed by respondent/writ-petitioners was decided on 22.12.2020 along with CWP No. 11375 of 2020. Grievance raised in the writ petitions was that pension was not being released to writ-petitioners who are admittedly retired employees of the University. Writ petitions were disposed of on 22.12.2020, as the entire amount of pension due to the petitioners stood deposited on the said date with no pending arrears. It was stated before the learned Writ Court that delay in release of pension was due to certain procedural delays. Writ petitions were disposed of with the following observation:-

“Keeping in view the above, as there are no arrears of pension pending, the present writ petitions are disposed off with the observations that respondent-University will make all the efforts to release the pension of the employees by the 10<sup>th</sup> of every month so that the employees do not suffer any prejudice in these hard days.”

3. It is submitted that no interest on delayed payment was ordered and in-fact was not even prayed for. Thereafter, there was again default on

the part of the University in release of pension, leading to filing of COCP No. 21 of 2022 and COCP No. 530 of 2022. Respondent/writ-petitioners in the present case had filed COCP No. 530 of 2022. Affidavit of Secretary to Government of Punjab, Finance Department was sought regarding delay in disbursement of funds to Punjabi University, Patiala, as the stand taken by appellant-University was that there was delay in release of funds by the State, which had a cascading effect leading to delay in release of pension. Pension to retired employees was ultimately released and contempt petitions were disposed of vide order dated 27.04.2022, which is reproduced as hereunder:-

“Affidavit of the Secretary to Government of Haryana, filed in the Court is taken on record, according to which the payment of 159.41 crores was released for the Financial year 2020-21 and similarly, for the subsequent years, the payment has been made. Copies of the payment order are annexed as Annexures R-1 to R-3, respectively.

Counsel for the petitioner(s), in view of the same, submits that in case in future, the payment is not received, he may be granted permission to revive this petition.

Accordingly, the present petitions are disposed of having been rendered infructuous.

Liberty is granted to the petitioner(s) to revive these petitions, if so advised.

A photocopy of this order be placed on the file of other connected case.”

4. It is a matter of record that yet again there was default on the part of appellant-University in respect to timely release of pension, leading to filing of CM-12457-CII of 2023 in COCP No. 530 of 2022 for revival of contempt petition in terms of order dated 27.04.2023. Said application was however dismissed vide order dated 14.12.2023 which reads as under:-

“Prayer in this application, filed under Section 151 of the

Code of Civil Procedure, is for revival of the contempt petition (COCP 530-2022) as till date, the respondents have not paid the pension for the months of May, 2023 and June, 2023 and have violated order dated 22.12.2020 (Annexure P7), passed by this Court in CWP 12331-2021.

Heard.

No ground to revive the aforesaid contempt petition is made out.

Application stands dismissed.

However, if any grievance of the petitioner is left unaddressed, the petitioner would be at liberty to avail any other alternate remedy, but in accordance with law.”

5. This led to filing of CM-9489-CWP of 2024 in CWP No.12331 of 2020, seeking modification in order dated 22.12.2020 to the extent that respondents must pay pension by 10<sup>th</sup> of every month and in case of delay, interest at the rate of 12% should be released. This application led to the passing of present impugned order dated 31.07.2024, whereby it has been directed that writ petitioners are entitled to interest at the rate of 6% per annum on the delayed release of pension. Relevant paras of order dated 31.07.2024 read as under:-

“The question on the grant of interest has already been covered by the judgment of the Co-ordinate Bench of this Court in **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, wherein it has been held that in case an amount belonging to an employee has been retained and used by the Department and used, the employee becomes entitled for the grant of interest and in the present case, the pension admissible to the petitioner was retained and used by the University for their benefit hence, the petitioners are entitled for interest on the delayed release of the pension @ 6% per annum from the date the pension becomes due till the actual payment of the same.

Let the interest for which the applicant-petitioners are entitled be computed and released to them within a period of 8

weeks from the receipt of certified copy of this order. Non-release of interest to the applicant-petitioners will be viewed very seriously including issuance of suo motu contempt in case any such information is received by this Court.”

6. Learned counsel for the appellant has vehemently argued that once the relief of interest on delayed payment was not granted at the first instance on 22.12.2020 and in-fact not even prayed for in the writ petition, this relief could not be granted by way of modification in order dated 22.12.2020. No argument as such is raised by learned counsel for appellant in respect to order dated 22.12.2020. He however, submits that relief granted vide order dated 31.07.2024 is unjustified, therefore said order be set aside.

7. Learned counsel for respondents/writ-petitioners per contra, argues, that writ-petitioners who are admittedly pensioners, some of them even over 75-80 years of age, are being subjected to unnecessary harassment at the whims and fancies of the appellant and that each time pension was released only on writ petitioners taking recourse to their legal remedies. It is thus prayed that this appeal be dismissed.

8. We have heard learned counsel for the parties and have gone through the file with their able assistance.

9. It is not in dispute that respondent/writ-petitioners are pensioners having served the appellant-University. There was admittedly delay in release of pension to them which led to filing of CWP No. 12331 of 2020, which was disposed of on 22.12.2020. It is further a matter of record that thereafter there was again delay in release of pension to writ-petitioners, leading to filing of contempt petitions as detailed above and the orders passed therein, leading to release of pension. Yet again there was default on the part of appellant-University with pension for the months of May and

June 2023 not being released. Details of delay in release of pension has been placed before us, which reveals that till the month of June 2024, there have been defaults. It is apparent from the record that on almost every occasion, writ-petitioners had to resort to legal remedies for a matter as basic as release of pension on time.

10.            In the given facts and circumstances, we do not find any infirmity or illegality in writ-petitioners being held entitled for interest at the rate of 6% per annum on delayed release of pension. At the same time, we do not find the pensioners entitled to interest on delayed payment from a date prior to 27.04.2023 i.e., the date on which contempt petitions filed by them were disposed of as infructuous. For the default which has occurred subsequent to 27.04.2023 and any further delay as may occur in future, the pensioners shall be entitled to interest at the rate of 6% per annum from the date of default i.e., 10<sup>th</sup> of each calendar month till actual payment.

11.            Appeal is accordingly disposed of with abovesaid modification in order dated 31.07.2024. Pending application(s) if any, stand(s) disposed of accordingly.

**(LISA GILL )  
JUDGE**

**(ALOK JAIN)  
JUDGE**

**March 27, 2025.**  
s.khan

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