



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

Sr. No.279

CWP-3226-2025 (O&amp;M)

Date of Decision: 11.09.2025

Dr. Nilam

.... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Dinesh Arora, Advocate,  
Mr. Jatin Sehra, Advocate, and  
Mr. Ashish Khatkar, Advocate, for the petitioner.

Mr. Parveen Mehta, Additional Advocate General, Haryana.

Mr. Manjeet Singh, Advocate, for respondents no.4 and 5.

Mr. Ravindra Singh, Advocate, for  
Mr. Puneet Gupta, Advocate, for respondent no.6.

**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed seeking a writ of *mandamus* directing the second and the third respondents to take stringent action against the fourth respondent/College for withholding the petitioner's pensionary benefits, who retired on attaining the age of superannuation on 31.10.2024, and release the same with interest at the rate of eighteen per cent per annum from the date of retirement till its realisation.

2. As per undisputed facts on record, the petitioner joined as Lecturer in Hindi in 1992 in the College, which is a government aided institution run by the fifth respondent/Jat Education Society (hereinafter referred to as 'the Society'). On account of unblemished service record, she



got promoted as Associate Professor. Also, before superannuating from service on 31.10.2024, she officiated as Principal of the College for about three years. Her pension and gratuity papers were duly submitted before retirement. Pursuant thereto, the third respondent/Director General, Higher Education, exercising powers under the Haryana Affiliated Colleges (Pension and Contributory Fund) Rules, 1999, issued Pension Payment Order (PPO), dated 03.12.2024, Annexure P-3. In terms therewith, payment of pension was to commence with effect from 01.11.2024, and she was to be paid gratuity of ₹20 lakh as well. However, neither the pension, nor any other retiral benefit was released. The matter was brought to the notice of the third respondent who, vide memo dated 20.01.2025, Annexure P-14, requested the President of the Society to inform why had the benefits not been released to the petitioner, and under which rule had the same been withheld. No response was received, and another memo dated 30.01.2025, Annexure P-15, was issued requesting the President to personally look into the matter and inform the reasons for withholding due benefits. Still, things remained as they were, and the instant petition seeking release of the benefits had to be filed.

2.1. During pendency of the petition, the retiral benefits were released to the petitioner on different dates; gratuity on 30.06.2025, arrears of pension on 02.07.2025, provident fund on 22.07.2025, first monthly pension on 02.08.2025, and finally the leave encashment on 25.08.2025.

3. In this background, learned counsel contended that the only remaining claim of the petitioner was regarding payment of interest on the delayed release of due retiral benefits, which had been withheld without any justifiable reason. This has caused undue harassment, humiliation, stress and



the resultant mental agony to her which makes the fourth and the fifth respondents liable to pay penal interest for the delay.

4. Learned counsel for the fourth and the fifth respondents, however, submitted that the College was not liable to pay interest as there were proceedings pending against the petitioner, and she had been accused of insubordination and opposing the authority of the Management/Society to question her conduct. In this regard, he has referred to a complaint dated 14.08.2024, Annexure R-5/1, received from Dr. Suresh Kumar, Associate Professor, Department of Zoology in the College, alleging that the petitioner, while she was acting Principal, did not send his promotion case to the University for further action due to *mala fide* intention. When a complaint was made against the petitioner in this regard, she levelled false allegations against the complainant and warned him of spoiling his career. He requested strict action against her for not sending his promotion case on the due date. Thereupon, a show cause notice dated 04.09.2024, Annexure P-6, was issued to her regarding non-submission of the complainant's promotion case. She was directed to submit reply to the notice within two days, otherwise action for insubordination and indiscipline would be initiated as per the service rules. The petitioner responded by submitting reply dated 05.09.2024, Annexure R-5/3, that the show cause notice lacked merit and had been issued on mere assumptions; she also informed that grant of merely two days' time to respond to the show cause notice was inadequate, and asked for relevant documents and inspection of the records to submit reply. At the same time, she mentioned that the deficiencies stated in the show cause notice were routine in nature and did not constitute any misconduct warranting issuance of notice.



4.1. The Society President, in turn, constituted a committee vide order dated 11.09.2024, Annexure R-5/8, to enquire into the complaints received against the petitioner since the reply submitted by her was not found satisfactory. As per learned counsel, the committee was constituted for preliminary inquiry into the allegations. And vide another letter of the same date, Annexure R-5/9, the petitioner was informed that, *'After receiving the report of the said committee, appropriate decision will be taken by the undersigned regarding NOC (retirement orders)*. Simultaneously, the third respondent/Director General was also informed that on account of the inquiry being in progress, the requisite 'No Objection Certificate' (NOC) could not be issued to the petitioner. A reference was also made to a memo dated 24.09.2024, Annexure P-10, issued by the third respondent, whereby the Society President was directed not to take any substantive action against the petitioner till authenticity of the College Governing Body was established.

4.2. Referring to all these documents, learned counsel has submitted that on account of the alleged misconduct by the petitioner and the pending preliminary inquiry concerning it, her retiral dues could not have been cleared, nor could the NOC be issued. He, however, is not in a position to dispute that the petitioner has not been issued any chargesheet for the alleged misconduct under the applicable service rules.

5. Submissions advanced by learned counsel for the parties have been considered.

6. There is no denying the fact that the petitioner retired from service on attaining the age of superannuation on 31.10.2024, but could not be released due retiral benefits, including pension, on account of refusal of the College to issue her the requisite certificates, including the NOC, for the



purpose. This was on the plea of pending preliminary inquiry into the alleged misconduct by her in not forwarding the promotion case of an Associate Professor to the University concerned. Concededly, no chargesheet was ever issued to her in this regard, and the disciplinary proceedings, which might have afforded a ground not to issue the requisite documents, never commenced. In its absence, there was no justification for the Society to withhold the permission and/or block release of due retiral benefits to the petitioner. As per the settled proposition of law, issuing show cause notice or instituting a preliminary inquiry cannot be a ground to withhold the pensionary benefits. Learned counsel for the Society could not refer to any rule or regulation which permitted withholding the benefits. Despite communications by the third respondent to issue the NOC or explain the reasons for not doing so, the Society President failed to cite any legal basis for the refusal. In this background, there is no escape from concluding that the Society's refusal for the NOC was for unfounded and extraneous reasons, which corroborated the petitioner's assertions that office bearers of the College/Society were prejudiced against her and wanted to settle personal scores by depriving her of the benefits. This was sheer high-handedness on their part which has caused undue harassment, humiliation, mental agony and stress to her. This makes the College and the Society liable to pay penal interest on the delayed payment of retiral benefits.

7. Accordingly, the petition is allowed by directing the fourth and the fifth respondents/the College and the Society, to pay interest at the rate of twelve per cent per annum on the due amount of retiral benefits for the period of delay, i.e., from the date of issuance of the PPO/03.12.2024 till the date of actual payment. These directions are to be carried out within four weeks of receiving a certified copy of this order, failing which the said



respondents will be liable to pay interest at the rate of fifteen per cent per annum from the date of default till actual payment.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

11.09.2025  
Maninder

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