



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

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CWP-10950-2024

Date of Decision: 13.05.2026

Amrik Singh

....Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Malika Sobti, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab
for respondents No.1 and 2.

Ms. Kashish Garg, Advocate with
Ms. Suman Rani, Advocate
for the respondents No.3 and 4.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing the order dated 22.04.2024 (Annexure P-16) to the extent of not granted the interest @ 18% on delayed payments of retiral benefits and further issuance of a writ in the nature of *mandamus* directing the respondents to release the interest @18% per annum for the delayed



payments of retiral benefits in terms of law laid down by the Full Bench of this Court in the matter of *AS Randhawa vs. State of Punjab and others, 1997(3) RSJ 318* and Hon'ble Supreme Court judgment in *S.K. Dua vs. State of Haryana, AIR 2008 SC 1077*.

2. On 13.05.2024, following order was passed:-

“Prayer in this writ petition filed by the petitioner under Articles 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the order dated 22.04.2024 (Annexure P-16) to the extent of not granting interest @ 18% per annum to the petitioner on delayed payment of retiral benefits.

Learned counsel for the petitioner submits that the claim of the petitioner is only for the grant of interest on retiral dues, which have been released after a considerable delay ranging from 06 months to 6½ years.

Notice of motion.

Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 and 2 and seeks time to file reply.

Let notice be issued to respondents No.3 and 4, returnable for 13.08.2024.”

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner was compelled to approach this Court on three occasions. The retiral dues of the petitioner were released after a considerable delay. The



details thereof have been given in paragraph No. 25 of the writ petition at page No. 18, which are reproduced as under:-

Sr. No.	Retrial Benefit	Amount of payment	Due date of payment	Date of payment	Delay period
1.	G.P.F.	3,00,000/-	30.11.2017	18.05.18	6.5 Months
		59,000/-	30.11.2017	19.06.18	8 Months
2.	Leave Encashment	4,44,350/-	30.11.17	12.07.18	8 Months
3.	D.C.R.G	6,31,885/-	30.11.17	26.07.18	8 Months
4.	Pension @ 80%	1,58,168/-	30.11.17	07.08.18	9 Months
	Pension @ 20%		30.11.17	22.04.19	1 year & 5 Months
5.	Balance	1,30,000	30.11.17	22.04.2024	6 years & 5 Months

3.1. Learned counsel for the petitioner further refers to Annexure P-2 and submits that the petitioner had already submitted No Objection Certificates from all branches, as discernible from Annexure P-1, and yet, in the speaking order dated 17.05.2018 passed in terms of the directions issued by this Court in CWP-7403-2018 (Annexure P-9), his entire retiral dues were withheld. He further submits that prior to the retirement of the petitioner on 30.11.2017, the petitioner had been transferred to the Receipt, Dispatch and Agenda Clerk Branch and had handed over the charge to one



Ms. Sarika Sood. As such, no objection was raised from 28.04.2017 till the date of retirement of the petitioner on 30.11.2017.

4. Per contra, learned counsel for the respondent-Corporation submits that a perusal of the vernacular of Annexure P-2 indicates that the same does not bear the counter-signatures of the authorized person from the Accounts Branch. It is further submitted that the petitioner had not completed the stock register and, as such, his retiral dues were withheld. Consequently, the petitioner is not entitled to any interest on account of the delay in release of the retiral dues, as he did not cooperate with the respondent-Municipal Council in completing the stock register.

5. I have heard learned counsel for the parties and perused the record with their able assistance. The petitioner was transferred to the Receipt, Dispatch and Agenda Clerk Branch on 28.04.2017 vide office order Annexure P-10, and he retired on 30.11.2017. Before joining the Receipt, Dispatch and Agenda Clerk Branch, the petitioner had handed over the charge to the incumbent employee. Till the date of his retirement, no show cause notice or charge-sheet was ever served upon the petitioner on the grounds on which the retiral benefits were withheld. In case the stock register had not been completed, the respondent-Municipal Council could have issued a charge-sheet and its failure to do so would not justify the withholding of the petitioner's retiral dues. The details of the payments,



along with the due dates of payment and the dates of their actual realization, are as under:-

Sr. No.	Retrial Benefit	Amount of payment	Due date of payment	Date of payment	Delay period
1.	G.P.F.	3,00,000/-	30.11.2017	18.05.18	6.5 Months
		59,000/-	30.11.2017	19.06.18	8 Months
2.	Leave Encashment	4,44,350/-	30.11.17	12.07.18	8 Months
3.	D.C.R.G	6,31,885/-	30.11.17	26.07.18	8 Months
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	Pension @ 20%		30.11.17	22.04.19	1 year & 5 Months
5.	Balance	1,30,000	30.11.17	22.04.2024	6 years & 5 Months

5.1. For withholding the retiral dues of an employee initiation of disciplinary proceedings is *sine qua non* and failure to do so will not justify withholding of retiral dues. The case of the petitioner is squarely covered by the judgment rendered by the Full Bench of this Court in *A.S. Randhawa (supra)* wherein it has been unequivocally held that any delay in the release of pensionary or retiral benefits beyond a reasonable period of two months from the date they become due would entail payment of interest to compensate the retiree for such delay.



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6. The rationale underlying the grant of interest is that an employee, who has rendered long years of service, cannot be deprived of his legitimate dues without lawful justification.

7. In view of the above, without embarking upon any further adjudication on ancillary or collateral issues, the present writ petition is allowed. The respondent-Municipal Council is directed to compute and release interest on the delayed payments of retiral benefits payable to the petitioner @ 6% per annum. The interest shall be calculated from after two months of his retirement till the date of its actual realization.

8. Let the aforesaid exercise be undertaken expeditiously and the consequential monetary benefits be released to the petitioner within a period of three months from the date of receipt of a certified copy of this order.

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

(HARPREET SINGH BRAR)
JUDGE

13.05.2026

parul verma

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