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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109+258 CWP-30024-2025 (O&M)

Date of Decision: **20.04.2026**

Vinod Kumar

....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab for respondents No.1 and 3.

Mr. Balram Singh, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

CM-2712-CWP-2026

The present application has been filed under Section 151 of CPC for placing on record the letters (Annexures P-6 to P-10) and also from exempting from the filing the certified/true typed copies of same.

In view of the grounds mentioned in the application, the same is allowed, subject to all just exceptions. Annexures P-6 to P-10 are ordered to be taken on record.

Registry is directed to place the same at an appropriate place.

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MAIN

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing the impugned speaking order dated 15.09.2025 (Annexure P-5) whereby the claim of petitioner regarding interest has been rejected. Further praying for issuance of a writ in the nature of *mandamus* directing the respondents to release the interest amount @ 18% p.a. amounting to Rs.1,74,474/- for delayed payment on retiral dues of the petitioner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner stood superannuated from service on 30.11.2024 while holding the post of Junior Assistant. It is emphatically urged that, on the eve of his retirement, neither any charge-sheet was pending against him nor were any disciplinary proceedings contemplated or initiated, and, thus, the petitioner retired with an unblemished and untainted service record. It is further submitted that, owing to the non-release of his retiral dues within a reasonable time, the petitioner was constrained to submit a series of representations followed by a legal notice; however, the same elicited no response from the respondents. Left with no efficacious alternative remedy, the petitioner approached this Court by way of CWP-10017-2025, which came to be disposed of vide order dated 07.04.2025, directing the respondents to decide the legal notice of the petitioner, as is evident from

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Annexure P-1. Pursuant thereto, the respondents eventually released the retiral benefits amounting to Rs.19,38,628/- after an inordinate and unexplained delay; however, the said payment was made bereft of any interest component. Thereafter, the petitioner issued yet another legal notice dated 04.06.2025 seeking grant of interest on the delayed payment, as borne out from Annexure P-3, which too remained unheeded. Consequently, the petitioner was once again constrained to invoke the writ jurisdiction of this Court by filing CWP-19628-2025, which also stood disposed of with a direction to the respondents to consider and decide the aforesaid legal notice vide order dated 16.07.2025 (Annexure P-4). However, the respondents, vide a speaking order dated 15.09.2025 (Annexure P-5), rejected the claim of the petitioner qua interest on the specious plea that the retiral dues had been disbursed after arranging funds by way of borrowing. Learned counsel vehemently submits that such inordinate and unjustified delay in the release of retiral dues, per se, entitles the petitioner to interest, in view of the ratio decidendi laid down by the Full Bench in ***A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343***.

3. Short reply by way of affidavit of Bhagwant Rai Kalia, Under Secretary to the Government of Punjab on behalf of respondents No.1 and 3 and affidavit of Munish Kumar, Executive Officer, Municipal Council Rahon on behalf of respondent No.2 are filed in the Court today, which are ordered to be taken on record. Registry is directed to place the same at an appropriate place.

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4. *Per contra*, learned counsel for respondent No.2 submits that the petitioner had sought premature retirement and that all retiral benefits were disbursed within a period of six months, and, therefore, no liability to pay interest can be fastened upon the answering respondent.

5. On the other hand, learned State counsel submits that the State has no substantive role to play in the present lis and that the dispute, in essence, is inter se between the petitioner and respondent No.2-Municipal Council, which alone is the competent authority to redress the grievance of the petitioner.

6. I have heard learned counsel for the parties at considerable length and have meticulously perused the record with their able assistance. It is not in dispute that the petitioner opted for premature retirement and ultimately stood retired from service on 30.11.2024. It is further an admitted position that the retiral dues were released to the petitioner only on 26th and 27th May, 2025, and that too subsequent to the institution of CWP-10017-2025. Learned counsel for respondent No.2 has candidly conceded that the delay in disbursement occurred on account of paucity of funds. Such a justification, in the considered opinion of this Court, is wholly untenable in the eyes of law. The petitioner cannot be made to suffer for administrative inefficiencies or financial constraints of the employer. Retiral benefits are not a matter of grace but constitute a vested and indefeasible right accruing to an employee upon superannuation, and are required to be disbursed

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within a stipulated and reasonable timeframe. The delay in the present case is, thus, ex facie inordinate and devoid of any legally sustainable justification.

7. The controversy involved herein is no longer res integra. The claim of the petitioner stands squarely covered by the authoritative pronouncement of the Full Bench in ***A.S. Randhawa (supra)***, wherein it has been unequivocally held that pensionary and retiral benefits are not in the nature of a bounty but are enforceable rights, and that any culpable delay in the release thereof beyond a reasonable period-quantified therein as two months-would *ipso facto* entail a corresponding obligation upon the employer to compensate the retiree by way of interest on the delayed payments.

8. In the conspectus of the aforesaid facts and the settled legal position, and without adverting to ancillary or collateral issues which do not arise for consideration in the present proceedings, the instant writ petition is disposed of with a direction to the respondents/competent authority to compute and release interest on the delayed payment of retiral dues to the petitioner @ 6% per annum. The interest shall be calculated from the expiry of a period of two months from the date of retirement of the petitioner till the date of actual disbursement.

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9. The aforesaid exercise shall be undertaken with due expedition and, in any case, within a period of three months from the date of receipt of a certified copy of this order.

10. All pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

20.04.2026
Puneet Chawla

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