

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-12470 of 2017 (O&M)

Date of Decision : 18.12.2018

Amarjit Kaur

...Petitioner

Versus

PSPCL and others

...Respondents

**CORAM:** *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. M.K. Dogra, Advocate for the respondents.

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**Harsimran Singh Sethi, J.(Oral)**

**CM-19027-CWP-2018**

The present application has been filed to place on record the written statement filed on behalf of the respondents.

The application is allowed and written statement filed on behalf of the respondents is taken on record, subject to all just exceptions.

**CWP-12470-2017**

In the present case, petitioner is the wife of late Sukhraj Singh, who unfortunately died on 12.01.2014, while working as Assistant Lineman with the Punjab State Power Corporation Limited. After the death of Sukhraj Singh, the petitioner, who was the legal heir being the wife of Sukhraj Singh, became entitled for the benefits, for the service which her late husband had rendered, such as pension, family pension, DCRG and Gratuity etc.

In the writ petition, it has been mentioned that the benefits were released to the petitioner only on 29.02.2016 and in this regard, the

petitioner has attached Annexures P-1 and P-2 respectively, which are the gratuity pay order and the pension pay order. As there was a delay of two years and one month for release of the said benefits, the petitioner has filed the present writ petition seeking interest on the delay release of the payments.

Notice of motion was issued on 01.06.2017.

The respondents have filed the reply and the content of para 2 of the writ petition, where the averment has been made that the gratuity has been released after a delay of more than two years, has been admitted. Further in para 7, the petitioner has mentioned that the petitioner was made to deposit certain amounts on account of EPF alongwith interest, which fact has also been admitted by the respondents in the reply.

Once the petitioner has been made to deposit the amount alongwith interest, it has been contended on behalf of the petitioner that the delayed payments released by the respondents, should also carry interest.

I have heard learned counsel for the parties and have gone through the case file.

It is an admitted fact that the husband of the petitioner died on 12.01.2014 while in service. It was incumbent upon the respondents to calculate the benefits which legal heirs of Sukhraj Singh became entitled for but in the present case, here is an inordinate and unexplained delay in releasing of the amount and as per the settled principle of law settled by Full Bench of this Court in the case of ***A.S. Randhawa Vs. State of Punjab***, 1997 (3) SCT 468 as well as by another judgment of this Court in ***J.S. Cheema Vs. State of Haryana and others***, 2014(13) RCR(Civil) 355, wherein it has been held that where ever there is a delay which is

unexplained and not justified, the employee will be entitled for the interest on the said delayed payments. The relevant paragraph of the judgment in

***J.S. Cheema's case (supra)*** reads as under :-

*“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is laying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”*

Once the petitioner was made to pay interest on the payments or EPF by the respondents then the respondents also become liable to pay the interest on the delayed payments in the same manner. The case of the petitioner is squarely covered by the above said judgment and, therefore, the petitioner will be entitled for the interest on the delayed release of the payments from the date it became due till the same were released to the petitioner. The respondents shall pay interest @ 9% per annum on the delayed payments. Let the calculation of this amount be done by the respondents within a period of one month from the date of receipt of certified copy of this order and thereafter release the calculated amount to the petitioner within a period of another one month.

The writ petition stands allowed in above terms.

**December 18, 2018**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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