

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17956 of 2017

Date of Decision : 30.11.2018

Babaljit Kaur Sekhon

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

Reply on behalf of the respondents has been filed in Court today. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

The grievance of the petitioner in the present writ petition is that the retiral benefits for which the husband of the petitioner was entitled for on the date when he died i.e. 08.04.2017, were released after unexplained delay for which the petitioner, who is the widow of late Sh. Nanak Singh, has made a prayer for the grant of interest.

Learned counsel for the petitioner states that in the present writ petition, the petitioner has also challenged order dated 15.12.2015 (Annexure P-13) stopping five annual increments. Learned counsel further states that an appeal filed by her husband before he died, is still pending consideration with the respondents. The said appeal has been appended as

Annexure P-14 with the present writ petition.

In respect of the claim, which has been made, in the reply filed today, the respondents have admitted that even though the payments should have been made within a reasonable time after the death of her husband, the same were made after a delay of 10 to 15 months.

Once the respondents have admitted that there is a delay in releasing the payment, in view of the law laid down by this Court in the cases of ***A.S. Randhawa Vs. State of Punjab***, 1997 (3) SCT 468 and ***J.S. Cheema Vs. State of Haryana and others***, 2014(13) RCR(Civil) 355, the employee is entitled for the interest as well. The relevant paragraph of ***J.S. Cheema(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.”

No justifiable reason has been given by the respondents for the delayed payment. The respondents in the reply have not stated about the fact of the said appeal.

In these circumstances, the writ petition is allowed qua the grant of interest on the delayed payment. Let the interest be paid to the petitioner on the delayed payment from the date the payment became due till the same was released @ 9% per annum. The respondents are also directed

to pass appropriate order deciding the appeal filed by the husband of the petitioner against the order imposing punishment of stoppage of five annual increments within a period of three months from the date of receipt of certified copy of this order.

November 30, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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