

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

**CWP No.6097 of 2016
DECIDED ON: AUGUST 31, 2018**

KAMLESH

..PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. Rajesh K. Sheoran, Advocate,
for respondent No.3.

JASPAL SINGH, J.

Instant petition has been preferred under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to make the payment of pensionary benefits i.e. provident funds etc. as well as family pension to the petitioner on account of sudden demise of her husband namely Puran Chand with interest @ 24% per annum for the delayed payments.

2. Undisputably, the husband of the petitioner namely Puran Chand was taken away by the nature on 03.01.2008 leaving behind the petitioner (wife). Though, an amount of Rs.1,14,715/- was paid to the petitioner vide cheque No.129676, dated 13.02.2008 on account of death -cum-retirement gratuity and leave encashment besides the payment of last

drawn salary of her husband as per ex-gratia policy 2006 till 31.07.2014 i.e. the deemed date of retirement of her husband. However, after the deemed date of retirement of Puran Chand, husband of the petitioner, she was not paid family pension, which was subsequently released in the month of May 2017.

3. In view of the payment of the retiral dues as well as family pension, main relief has rendered infructuous and now, the question which survives for consideration is with regard to grant of interest on the delayed payments.

4. Concededly, the petitioner was not paid family pension and the other benefits accrued to her on the sudden demise of her husband either on 31.07.2014 i.e. deemed date of retirement of her husband or within a reasonable period of 3 months. An explanation furnished by the respondents is that the case of the petitioner for the grant of family pension was though prepared on 03.11.2014 but the same was misplaced/lost from the office of corporation. Thus, a fresh pension file was prepared in the month of July 2016 and sent to the office of Director Audit and accorded the necessary approval on 10.04.2017. Subsequent thereto, a sum of Rs.2,25,360/- was deposited in the account of the petitioner on account of the arrears of pay, gratuity, leave encashment and financial assistance through RTGS in the account of the petitioner on 22.05.2017 whereas another sum of Rs.3,25,490/- was deposited in her bank account on account of family pension for the period 01.08.2014 to 31.03.2017 on 02.05.2017.

5. No doubt the amount has since been deposited but there is no explanation what to talk of any plausible explanation furnished by the respondent for the delay in disbursement of pension and other retiral

benefits. On account of the misplacement/lost of pension papers from the office of corporation cannot be attributed to petitioner so she cannot be made to suffer. Such a lapse or omission is purely attributable to the respondents. Thus, the petitioner deserves to be compensated by way of grant of interest on the delayed payments of various retiral benefits as she could not make use of the amount on account of its delayed payment at appropriate time.

6. Accordingly, instant petition is disposed of with the direction to respondents to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the deemed date of retirement of the husband of the petitioner till the actual payments of various benefits as has been discussed above, within a period of two months from the date of receipt of a certified copy of this order. In case of non-compliance of aforesaid direction, the petitioner shall be at liberty to have recourse to the other remedies available to him as well as to approach this Court.

AUGUST 31, 2018

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**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**