

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9850 of 2015

Date of Decision : 11.12.2018

Puran Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Sahil Soni, Advocate for
Mr. S.P. Soi, Advocate for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner has approached this Court for release of the pensionary benefits for which her late husband was entitled for.

2. As per the averments made in the writ petition, the husband of the petitioner, namely, Makhan Singh, was appointed as a Punjabi Teacher in Mehatpur Block, Nadokar II on 27.07.1970. He continued working till he attained the age of superannuation on 30.11.2004. After the retirement, husband of the petitioner was not granted pension and he died on 27.09.2014.

3. After the death, the petitioner filed the present writ petition for release of the pensionary benefits as well as the pension to her in respect of the service rendered by her husband from 1970 till 2004.

4. Notice of motion was issued on 18.05.2015.

5. The respondents have filed reply by way of an affidavit dated 10.03.2016. Thereafter, respondents filed an additional affidavit dated 27.03.2018, in which they have stated that the revised gratuity as well as the arrears of ACP have been released to the petitioner in October, 2017. Further even the revised pension as well as the revised amount of gratuity was also released to the petitioner in July, 2017. The relevant paragraph giving the dates on which the payments were released, is reproduced as under :-

Sr. No.	Nature of Payment	Amount of Payment in Rs.	Date of Payment Credited to the A/c of petitioner	Remarks
1	Payment of Leave encashment	51,170/-	21.04.2017	
2.	Payment of Gratuity	1,93,914/-	04.05.2017	
3.	Revised Gratuity	19,754/-	18.10.2017	
4.	Arrear of ACP	73,358/-	18.10.2017	
5.	Revised Leave encashment	5,268/-	05.03.2018	
6.	Arrear of Pay	2,63,262/-	05.03.2018	

6. Learned counsel for the petitioner states that as per the law laid down by Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab***, 1997 (3) SCT 468, the petitioner is entitled for the interest on the delayed payments.

7. In the affidavit, which has been filed by the respondents, no justification has been given as to why the payments have been released to the petitioner after a delay of approximately 13 years. Husband of the petitioner had retired in the year 2004 whereas the amount was released to the petitioner starting from April, 2017 onwards till March, 2018.

8. Learned counsel for the respondents states that the petitioner remained absent from duty from 09.09.1973 to 21.02.1980, which period was decided by the respondents vide order dated 03.02.2016 (Annexure R-

1) and treated the said period as 'DiesNon' and after the said decision, the payments have been released.

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

10. The husband of the petitioner retired in the year 2004. The period for which the decision was to be taken by the respondents is from 1973 till 1980. Nothing prevented the respondents from taking appropriate decision within a reasonable time so as to release the pensionary benefits in favour of the husband of the petitioner, who died while waiting for the same. Even after taking a decision in February, 2016, the payments were released to the petitioner only starting from April, 2017 onwards and there is no explanation for the delay after February, 2016 onwards in any manner.

11. The respondents remained silent in respect of the decision which respondents should have been taken immediately on the retirement of the petitioner. There is no explanation as to why the respondents took 12 years' time to decide about regularization of the period of the husband of the petitioner from 1973 to 1980.

12. Under these circumstances, the respondents have sat over the decision due to which the payment of the pensionary benefits to the husband of the petitioner initially and after his death to the petitioner were delayed for which the respondents are liable to pay the interest on the delayed payments. A direction is issued to the respondents to calculate the interest @ 6% per annum on the delayed payments from the date it became due till the same were released to the petitioner.

13. Let the calculation be done within a period of three months from the receipt of certified copy of this order and the calculated amount be

paid to the petitioner within a period of next one month.

The writ petition is disposed of in above terms.

December 11, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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