

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

**CWP No.9122 of 2016.
Date of Decision: 22.10.2018.**

Rajinder Kaur

....Petitioner.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Mr. R.K. Arora, Advocate, for the petitioner.

Mr. Balbir Singh Sewak, Additional Advocate General, Punjab.

SHEKHER DHAWAN, J.

Present writ petition under Articles 226/227 of the Constitution of India was filed for issuance of direction to the respondents to release the retiral benefits of deceased-husband of the petitioner on account of family pension, Ex-gratia, DCRG, leave encashment, GPF, GIS etc. alongwith interest at the rate of 18% per annum for the delayed payment.

2. At the time of filing of the writ petition, the retiral benefits due to the petitioner were not released on account of death of her husband Late Shri Kuldip Singh and petitioner had approached this Court. However, during pendency of the writ petition and on the basis of reply and additional affidavit filed by the respondents, the same have been released though after filing of the writ petition.

3. The scope of controversy has now been narrowed down to the extent that the petitioner is now claiming interest on delayed payment.

4. There is no dispute on the legal point that if retiral benefits are not released on the due date, the respondents will be liable to make payment of interest as well unless the delay is attributed to the conduct of the employee. However, in the present case, the petitioner has been continuously making efforts and even approached this Court for release of retiral benefits but the same were not released. As such, the petitioner is certainly entitled to interest on delayed payment as well.

5. In view of the above, the present writ petition is disposed of with direction to the respondents to make payment of interest at the rate of 9% per annum from the due date till the date of actual payment, within a period of two months from the date of receipt of this order. In case there is delay on account of payment of interest amount, the petitioner shall be entitled to panel interest additionally at the rate of 9% per annum.

(SHEKHER DHAWAN)
JUDGE

October 22, 2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No