

CWP-32106-2018

1

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

**CWP No.32106-2018
Date of Decision: 15.12.2018**

Inder Kaur**.....Petitioner****Versus****Punjab State Power Corporation Ltd. & Others.****...Respondents****CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present: Mr. Nikhil Anand, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(ORAL)

As per pleadings on record, husband of the petitioner joined the erstwhile Punjab State Electricity Board on the post of Lineman in the year 1980. An FIR No.54 under Sections 307/452 read with Section 34 of the IPC and also Section 27 of the Arms Act was registered against the husband of the petitioner on 03.03.2005 at Police Station Sadar, Ferozepur, Punjab.

In the trial that ensued upon registration of the FIR, husband of the petitioner was convicted by the Trial Court vide judgment dated 12.01.2007 and he was awarded punishment of rigorous imprisonment for 5 years under Section 307 of IPC, one year under Section 452 and for 3 years under Section 27 of the Arms Act.

Based solely upon conviction, services of the husband of the petitioner were terminated by the Board on 20.09.2007. An appeal having been filed against conviction i.e. CRA-S-245-SB of 2007, the same was allowed by this Court on 30.01.2014 and husband of the petitioner was acquitted of the charges. Conviction order was set aside.

Consequently, vide the order dated 12.08.2014 passed by the Punjab State Power Corporation Ltd., husband of the petitioner was reinstated back in service. On 12.11.2014, husband of the petitioner is stated to have been died.

Petitioner has approached this Court by filing the instant writ petition seeking issuance of a writ of mandamus directing the respondent-corporation to pay interest on the delayed release of gratuity and also arrears of family pension.

Learned counsel submits that even though husband of the petitioner had expired on 12th of November 2014, yet without any justifiable basis, an amount of Rs.13 lakh approximately towards gratuity and arrears of family pension was released only on 01.06.2018/06.06.2018. It is argued that as per dictum laid down by this Court in ***A.J. Randhawa Supdg. Engineer Vs. State of Punjab and Ors. decided on 16th May, 1997, Equivalent citations: (1997) 117 PLR 6***, the retiral benefits payable to an employee are in the nature of deferred payment of salary and not a bounty and as such as per counsel for the delay in release of gratuity and arrear of family pension which was admissible to the petitioner, the respondent-Corporation is liable to pay interest thereupon.

At this stage, counsel submits that he would be satisfied if the writ petition were to be disposed of with the directions to the respondent-Corporation to consider the claim of the petitioner/widow and to take a final decision on the representation dated 11.07.2018 (Annexure P-6) that has already been submitted.

The prayer made by the Ld. counsel is found to be just and reasonable.

As such without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the instant writ petition with the direction to respondent No.1/competent authority under the Punjab State Power Corporation Ltd. to examine the claim of the petitioner for award of interest on the delayed release of retiral/pension benefits and to take a final decision on the representation dated 11.07.2018 (Annexure P-6) within a period of two months from the date of receipt of a certified copy of this order.

In the eventuality of the petitioner being held entitled to the grant of interest, the requisite amount be released in her favour without any delay.

Petition is disposed of.

15.12.2018
Renu Sharma

(TEJINDER SINGH DHINDSA)
JUDGE