

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10417 of 2017

Date of decision: 05.12.2019

Baljinder Kaur and others

.... Petitioners

versus

State of Punjab and another

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karan Rana, Advocate for
Mr. Pankaj Jain, Advocate
None for the petitioners.

Ms. Sunint Kaur AAG, Punjab

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioners argues that the relief with regard to treating the service, rendered by the late husband of the petitioner namely, Jatinder Pal Singh, Multipurpose Health Worker, who died on 29.12.2008 under old pension scheme has been allowed by the respondents, but the benefits have only been released to her in March, 2019, therefore, the petitioner is entitled for grant of interest on the said delayed payments.

Division Bench of this Court while deciding CWP No.2371 of 2010 titled as **Harbans Lal vs. State of Punjab and others** on 31.08.2010 held that the employees, who were in service as on 1.1.2004, though, their services might have been regularised after the said date, be governed under the old pension scheme. Judgment in Harbans Lal's case (supra) has already attained finality upto the Hon'ble Supreme Court of India but still, respondents did not

grant the benefit to the petitioners and forced them to approach this Court to claim the said relief by filing the present writ petition.

Once this Court in **Harbans Lal's case (supra)** has already settled the question of law that the employees, who were in service, though, on adhoc basis or daily wage basis as on 1.1.2004, though, their services might have regularised thereafter, they are entitled to be governed by old pension scheme and the said judgement has already attained finality, it is the duty of the respondent-State to extend the benefit to the petitioners, rather than forcing a widow lady to approach this Court claiming the same.

A Division Bench of this Court in **Satbir Singh vs. State of Haryana 2002(2) S.C.T. 354** has held that once a question of law has been settled by competent Court of law, which has attained finality, relief should be granted to all the similarly situated persons without forcing them to approach the Court claiming the same relief. Relevant portion of judgement is as under:-

“11. State has pervasive obligations to discharge in relation to maintaining its expected standards of employer employee relationship. As already noticed, one of the important facets of such obligations is to be reasonable and fair in granting service benefit to its employees in accordance with service rules and the principles enunciated on pronouncement of judgments by the Courts. When judgments attain finality to which the State is a party, duty is casted upon the State to grant relief to its employees who are similarly situated and on identical facts. Benefit of such approach are many and it causes no disadvantage to the interests of the State. It is not necessary for the State to require each one of its employees to approach the Courts of law for grant of a relief which the State ought to grant to the employees in normal course of its administration, particularly, the cases of the kind afore-referred. Such principles is well known and accepted for years now. By referring to few judgments we would only predicate the principle with greater emphasis of its application in the day-to-day affairs of the State. In the case of Dr.(Mrs.) Santosh Kumari v. Union of India and others, JT 1994(7) SC 565: 1995 (1) SCT 527 (SC) the Hon'ble Apex Court held as under:-

“The allotment of seats should go according to merit. It does not depend upon who comes to Court and who does not. The matter is one of principle and should not

depend upon who comes to the Court. A more deserving candidate may not have the means of approach the Court.”

In the present case, despite being covered by the judgement in **Harbans Lal's case (supra)**, respondents, did not extend the benefit to the petitioners and forced them to approach this Court and on realising their mistake, granted the benefit to the petitioners in March, 2019. Petitioner remained deprived of her benefits for approximately ten years after the death of her husband and that too despite the settled principle of law, she has been forced to approach this Court. In the facts and circumstances of this case, petitioner is entitled to be compensated for the delay in release of the benefits by way of grant of interest. Petitioner is held entitled for interest @ 9% per annum from the date she became entitled for the benefit after the death of her husband till the same was actually released in her favour.

Let computation of the interest, for which the petitioner is entitled as per this order be carried out within a period of two months from the date of receipt of copy of this order and the payment so calculated be released to the petitioner within a period of one month thereafter.

05.12.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |