

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

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CWP-663-2021

Date of Decision :27.05.2022

Santosh Rani

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.P. Khera, Advocate for
Mr. Gagneshwar Walia, Advocate the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Birender Pal, Advocate for respondent No.4.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed for the release of the service benefits to the petitioner in respect of the services rendered by her late husband namely, Dass Ram.

As per the averments made in the petition, the husband of the petitioner joined the services of the Municipal Council, Kotkapura as Sweeper on 14.11.1980 and he continued working diligently without any complaint for a period of 40 years and unfortunately died while in service on 01.02.2020. After the death of husband of the petitioner, the petitioner approached the respondents for the release of the service benefits in respect of the services rendered by her late husband but, the same were not extended to her including family pension, which has led to the filing of the present petition.

After notice of motion, the respondents have filed reply. Respondent No.4 in his reply submitted that as all the pending dues of the petitioner had already been released to her, the present petition has been rendered infurctuous.

Learned counsel appearing for the petitioner submits that though, the service benefits have been released to the petitioner but, the same were released to her after an inordinate delay and, therefore, the petitioner is entitled for the grant of interest on the said delayed release of benefits.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The husband of the petitioner died on 01.02.2020, whereas, the benefits were released to the petitioner on various dates starting from February, 2021 onwards till March, 2021. Dates on which the payments were made, have been given in para-4 of the reply, which are as under:-

Serial no.	Date	Cheque No.	Amount
1	11.02.2020	070081	1,00,000/-
2	06.03.2020	070373	1,00,000/-
3	25.06.2020	071146	1,00,000/-
4	14.07.2020	223905	1,00,000/-
5	17.11.2020	224151	42,239/-
6	19.03.2021	257783	11,85,979/-
Total			16,28,218/-

A bare perusal of the above would show that without there being any impediment, the respondents took more than one year to release all the benefits, for which, the petitioner is entitled for in respect of the services rendered by her late husband. No justification has come forward

for delay in release of the payments to the petitioner. Keeping in view the fact that no explanation has come from the respondents side, the delay in release of the benefits is attributable to the respondents.

A Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, has held that an employee is entitled for the release of his pensionary benefits within a period of two months of his retirement in case there is no impediment in the release of the same. The relevant paragraph of said judgment is as under:-

“Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.”

It is a conceded position that as of now the payments which were released to the petitioner were released to her after a period of two months. Even para-4 of the reply filed on behalf of the respondent-State shows that the payments were released to the petitioner after a period of two months. That being so, prayer of the petitioner for the grant of interest on delayed payment is covered by the judgement passed by the Full Bench of this Court in **A.S. Randhawa's case (supra)**.

Further, a Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of ***J.S. Cheema's case (supra)*** is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

The case of the petitioner is squarely covered by the above said decisions in her favour for the grant of interest on the delayed payment.

Resultantly, the prayer of the petitioner is allowed. Petitioner is held entitled for the interest @ 6% per annum from the date the amount became due till the actual payments were released to her. Let the computation of interest be done by the respondents within a period of two months from the receipt of certified copy of this order and the amount so calculated shall be paid to the petitioner within a period of four weeks thereafter.

The writ petition is allowed in above terms.

May 27, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No