

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(288)

CWP No. 13339 of 2021

Date of Decision : 17.05.2022

Renu Jain

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Mittal, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance of the petitioner is that her case for the grant of family pension has been rejected by the respondents without considering the rules and regulations governing the said aspect.

As per the petitioner, the petitioner, who is the unmarried daughter of late Smt. Darshana Jain, became entitled for the grant of family pension after both the parents of the petitioner died within a span of three months.

Learned counsel for the petitioner submits that after the filing of the present petition, the respondents re-considered the claim and granted the concession of the family pension to the petitioner but there is a delay in the release of the benefits though, the petitioner became entitled for the grant of family pension from 03.05.2021 but the same was released only on

02.05.2022 i.e. approximately after more than one year and, therefore, petitioner is entitled for the grant of interest on the delayed released of the family pension.

Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that there was some communication gap with regard to the claim of the petitioner but after the said aspect was clarified, the respondents have released the benefit in favour of the petitioner along with the arrears and, therefore, no benefit of interest can be given to the petitioner.

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

In the present case, once the respondents found the petitioner entitled for the grant of family pension, the same should have been released within a reasonable period as fixed by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others*, 1997(3) SCT 468, i.e. two months of the entitlement.

In the present case, the petitioner became entitled for the grant of family pension on 03.05.2021, whereas the same was released on 02.05.2022, exactly after a period of one year. Nothing has been brought to notice of this Court as to why, such a delay has occurred. Once, the petitioner is not at fault, keeping in view the judgment of the Full Bench of this Court in *A.S. Randhawa's case (supra)*, once the pensionary benefits have not been released within a period of two months, where there was no impediment, employee is entitled for interest. 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.”

Apart from this, a Coordinate Bench of this Court in **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

“In my opinion, even if the assertion made in the written statement is presumed to be correct it would not disentitle the petitioner for claiming interest. 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.”

Keeping in view the above, the petitioner has made out a case for the grant of interest on the delayed release of family pension. Petitioner

is held entitled for interest @ 6% per annum from the date the family benefits became due till the release of the same. Let the amount of interest under this order be calculated by the respondents within a period of two months of the receipt of copy of this order and the amount so calculated be released to the petitioner within a period of one month thereafter.

Petition is allowed in above terms.

May 17, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No