

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

234

**CWP No. 14451 of 2020
Date of Decision: 21/02/2023**

SHANTI DEVI

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Ravinder Malik, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

Mr.I.S.Sidhu, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has filed this petition for the issuance of a writ especially in the nature of Mandamus for release of family pension and an appropriate interest component towards delayed payments.

The grievance of the petitioner is that the husband of the petitioner had retired as a Packer from the office of the respondent No.4 on 31.12.2014 and was drawing his pension. He died on 03.06.2018. For the grant of family pension, necessary documents along with application were submitted by the petitioner to the respondent No.4 on 30.07.2018. The family

pension was released only on 07.01.2021 for which even recommendations had already been made on 07.03.2019. The claim of the petitioner is for grant of interest for the delayed release of family pension. The respondent No.4 has paid arrears of family pension to the tune of Rs.4,20,000/- and suitable interest has to be paid on the amount of arrears of family pension as according to the Government instructions, a period of three months is prescribed after submission of the documents and if the delay has occasioned on behalf of the respondents then the claimant is entitled for reasonable interest from the date of accrual till final realization of the amount. The period of three months is counted from 30.07.2018 and the same would come out to be 30.10.2018. Since the arrears towards family pension were to be computed and paid on 30.10.2018, but the same were paid/ released only on 07.01.2021, therefore, the petitioner is entitled for interest @ 6% on the amount so assessed i.e. Rs.4,20,000/- from 30.10.2018 till 07.01.2021.

Learned counsel for the respondent No.3 has projected the bona fides of the office of Principal Accountant General in processing the case of the petitioner.

Learned State counsel has also projected the bona fides of the respondents in processing the case of the petitioner.

The fact remains that the release of arrears of family pension was delayed from 30.10.2018 till 07.01.2021 by the respondent No.4, therefore, I deem it appropriate to grant the interest @ 6% per annum on accumulated amount of arrears of family pension i.e. Rs.4,20,000/- from 30.10.2018 till 07.01.2021. The amount of interest be calculated and be paid within a further period of two months. If the amount is not paid within a period of two months, then the interest component shall be @ 12% per annum for the same period till final realization of the amount. The inter pleader stand of the respondents based on their respective bonafide can not be appreciated so far as the claim of the petitioner for interest on the delayed payments is concerned. However, inter se liability of the respondents is left to be decided in some different forum.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

21.02.2023
anita

Whether speaking/reasoned Yes/No

Whether reportable Yes/No