



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

234

CWP-1025-2023 (O&M)  
Date of decision: 13.08.2024

Sushila Devi

....Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Gaurav Gupta, Advocate for the petitioner

Mr. Dushyant Saharan, AAG Haryana

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**AMAN CHAUDHARY, J. (ORAL)**

1. Since, the pensionary benefits have been released to the petitioner during pendency of the present petition, she prays for grant of interest on it for the delayed period.
2. The husband of the petitioner, while serving as Carpenter in the Transport Department, Haryana expired on 29.10.2005. There being a dispute between his two wives and children, the Department did not release the pensionary benefits to anyone. However, the matter having been compromised between them, on the basis of which, a decree dated 23.08.2008 was passed by the Civil Judge (Sr.Divn.), entitling the petitioner to 10% share of the service benefits and compassionate appointment in terms of the policy of the Government. Thereafter, on filing of the present petition, the pensionary benefits i.e. GPF and gratuity have been released on 05.10.2023, after 15 long years, for which no reason, much less justifiable has been offered by the Department and as such needs to be



compensated by way of interest. Such a lackadaisical approach has been criticized by Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair**, (1985) 1 SCC 429, wherein it was held that, "Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

3. Full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468, held that an employee would be entitled to be compensated by granting interest by the State on account of delayed disbursement of retiral benefits.

4. Hon'ble the Supreme Court in **Vijay L. Mehrotra vs. State of UP**, 2001 (9) SCC 687, ruled that in case there is no justification or reason for delayed payment of retiral benefits, interest would be liable to be paid, while this Court in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, observed that, the interest has to be given to an employee where an amount belonging to him, was retained and utilized by the respondents, has been released on a later date.

5. The pension, being a treasured right of the petitioner, who had to endure significant hardships after the death of her husband, was released to her after a humongous delay, which remained unexplained. The respondents having unjustly enriched themselves, with the amounts that she was legally entitled to, must admit to feeling a twinge of remorse, therefore entitling her to grant of



interest on such amounts, which is akin to rent for usage thereof by the Department.

6. In wake of the aforesaid, the present petition is disposed of with a direction to the respondents to pay interest at the rate of 6% per annum on the retiral benefits from the date they fell due till their realization, within a period of two months.

13.08.2024  
M.Kamra

(AMAN CHAUDHARY)  
JUDGE

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