



CWP-280-2019 (O&M)

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

237

CWP-280-2019 (O&M)
Date of Decision :12.08.2024

**Dharam Pal Mehra (since deceased)
through LRs**

... Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Vidushi Kumar, Advocate for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

Reply by way of an additional affidavit filed on behalf of the respondents No.1 to 3 in Court today is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

In the present petition, grievance of the petitioner is that the benefits which are admissible to the petitioner after the death of her husband qua the services rendered by her late husband have either been released after delay and a sum of Rs.18,97,418/- has been deducted from the admissible amount and that too without any valid jurisdiction without there being any order passed against the husband of the petitioner during his life time qua the recovery of the said amount of Rs.18,97,418/- hence, the respondents are under an obligation to release the withheld amount of Rs.18,97,418/- and also grant the petitioner interest on the delayed release of the benefits for which the petitioner was found entitled after the death of

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her husband in respect of the services rendered by her late husband.

Learned counsel for the respondent-State submits that with regard to the recovery of Rs.18,97,418/- the said action has been revisited by the respondents and as there was no order passed for recovering the said amount of Rs.18,97,418/- during the life time of the husband of the petitioner, it has been decided to release the said amount in favour of the petitioner. Learned counsel for the respondent-State further submits that all the other service benefits including pensionary benefits have already been released to the petitioner.

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

The only question which remains to be decided is whether the legal representative of the petitioner (Santosh Kumari) is entitled for interest on the delayed release of the service benefits in respect of the services rendered by her late husband (Dharam Pal Mehra) including family pension as well as on the amount of Rs.18,97,418/- which was recovered while extending the service benefits to the petitioner.

It may be noticed that an amount of Rs.18,97,418/- was recovered from the petitioner in an illegal and arbitrary manner without there being any order passed against the husband of the petitioner during his life time. After the death of the husband of the petitioner without even holding him guilty of any allegation, the said amount was recovered from the service benefits admissible to the petitioner. The respondents have already realized that recovery of said amount of Rs.18,97,418/- was beyond their jurisdiction and have decided to release the said recovered amount in

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favour of the petitioner, which will be released to the petitioner within a period of one month from today.

As the amount was deducted without any valid jurisdiction, the petitioner is held entitled for interest on the said amount of Rs.18,97,418/- from the date the husband of the petitioner died till the actual payment was made in favour of the petitioner.

Not only this, husband of the petitioner died on 22.05.2020 after which date, there was no impediment in the release of the pensionary benefits to the petitioner.

That being so, the respondents are directed to grant the petitioner benefit of interest @ 6% per annum on the delayed release of the benefits from the date the husband of the petitioner died till the actual payment of the same.

The respondents are directed to calculate the interest @ 6% per annum for which, the petitioner is held entitled for, on the amount of Rs.18,97,418/-, which is being refunded to her as well as on other service/pensionary benefits released to her after the death of her husband.

Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

Present petition stands allowed in above terms.

Civil miscellaneous application pending if any is also disposed of.

August 12, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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