

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CWP-1213-2020 (O&M)

Date of Decision :01.04.2024

Phool Pati

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Kumar Verma, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, petitioner is claiming interest on the delayed release of the service benefits as well as pensionary benefits in respect of the services rendered by her late husband.

2. Learned counsel for the petitioner argues that though, the husband of the petitioner retired from service on 31.08.2015 but his pensionary benefits were delayed hence, keeping in view the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*, the petitioner is entitled for the grant of interest on the said delayed release of the pensionary benefits.

3. Learned State counsel on the other hand submits that on the date when husband of the petitioner retired from service, the disciplinary proceedings were pending against him and during the pendency of the said disciplinary proceedings, husband of the petitioner died and after the death of the husband of the petitioner, all the pensionary benefits have been

released to the petitioner hence, no interest can be claimed by the petitioner.

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

5. Once, on the date when the husband of the petitioner retired from service, disciplinary proceedings were pending against him, which disciplinary proceedings continued till the husband of the petitioner died and, thereafter, the petitioner was granted service benefits in respect of the service rendered by her husband, it cannot be said that benefits were withheld by the respondents without there being any jurisdiction and the respondents are liable to grant the benefit of interest to the petitioner on the said delayed release of the benefits. Interest can only be granted in case, the benefits liable to be released by the respondents have been withheld by the respondents without any valid justification. In the present case, once, it is a conceded position that husband of the petitioner was facing departmental enquiry and has died before the culmination of the said departmental proceedings and, thereafter, all the benefits were released to the petitioner, the petitioner is not entitled for the grant of interest on the said benefits.

6. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

7. Civil miscellaneous application pending, if any is disposed of.

April 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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