2024:PHHC:098371

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4339-2021 (O&M)
Date of Decision : 01-08-2024

PARAMJIT KAUR **........Petitioner**

VERSUS

STATE OF PUNJAB AND OTHERS

........Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harinder Sharma, Advocate
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG Punjab.

Mr. Aditya Sharma, Advocate for
Mr. Rajinder Sharma, Advocate for respondent No.3.

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<u>HARSIMRAN SINGH SETHI, J. (Oral)</u>

In the present petition, the grievance being raised by the petitioner is that the petitioner was entitled for the benefit of family pension starting from 01.01.2018 keeping in view the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.1298 of 2018 decided on 30.01.2018 (Annexure P-7).

Learned counsel for the petitioner submits that the benefit of family pension was not extended to the petitioner due to which the present petition was filed but during to the pendency of the present petition, her claim has been accepted and the benefit of family pension has been extended to the petitioner w.e.f. 01.01.2018 but no interest has been paid on the delayed release of the family pension though, the said family pension was released in June, 2024.

Learned State counsel submits that once, the benefit of family pension has already been released to the petitioner as per the judgment of the Hon'ble Supreme Court in Civil Appeal No.1298 of 2018,, no interest is payable.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, the respondents have paid the family pension w.e.f 01.01.2018, the entitlement of the petitioner for the claim of the family pension from the said date stands conceded by the respondents.

The only question which arises is whether petitioner is entitled for interest on the delayed release of family pension or not?

It may be noticed that Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468,** has held that where there is an inordinate delay in the release of the pensionary benefits of an employee and the delay is not justifiable, employee will be 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 retirer 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 front 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: -

> "*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 of above, as the amount belonging to the petitioner was retained by the respondent-State, the petitioner becomes entitled for the grant of interest hence, on the arrears paid to the petitioner qua the family pension, the petitioner is also held entitled for interest @ 6% per annum from 01.01.2018 onwards till the date actual payment has been made.

Let the interest under this order be calculated and released to the petitioner within a period of 8 weeks from the receipt of copy of this order.

Present petition is disposed of in above terms.

Pending application, if any, also stand disposed off.

01-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO