IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-3278-2023
Date of decision : 24.04.2024

Ginpata Devi ….Petitioner

V/S

State of Punjab and others ....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Ms. Akshita Chauhan, D.A.G., Punjab.

Ms. Brea Sandhu, Advocate for respondent No.4.

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NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents (i) to pay interest on the delayed payment of provident fund; (ii) to release the remaining gratuity, leave encashment, provident fund along with interest @ 18% per annum and (iii) to release the revised family pension, gratuity, leave encashment and provident fund after considering the Punjab Civil Services (Revised Pay) Rules, 2021 along with interest @ 18%.

2. Brief facts of the case, as have been pleaded in the present petition, are that the husband of the petitioner namely late Sh. Krishna was appointed as 'Mali' on 15.09.1988 in the respondent-department. However, during the service, he had unfortunately died on 24.02.2020. With regard to the service benefits of deceased-Krishna, all legal heirs

had agreed that all the benefits be given to the petitioner. However, after a lapse of 2 years and 9 months from the date of death of husband of the petitioner, only family pension and Rs.1.5 lakhs have been released and other death-cum-retiral benefits have not been released to the petitioner. The petitioner has requested the respondent-department numerous time to disburse the pending amount, however, the same has not been released. The petitioner had also submitted representation dated 14.12.2020 but to no avail. Thereafter, the petitioner served a legal notice dated 17.01.2023 upon the respondents, however, no action has been taken on the same. Hence this petition.

3. Learned counsel for the petitioner submits that although all the retiral benefits, on account of the death of the petitioner's husband, have been released to the petitioner during the pendency of the present petition, however, the same have been released after a considerable delay. Since the retiral benefits have been withheld without any justifiable reasons, therefore, the petitioner is entitled for interest on the delayed payment of retiral benefits in view of the law laid down by a Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** and ***J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355***. The details of payment of retiral benefits is as under :-

Sr. No.	**Payment Details**	**Amount Due**	**Amount Paid**	**Cheque No./NEFT**	**Date**
1.	Ex-gratia	1,00,000/-	50,000/-	177928	26.02.2020
			25,000/-	NEFT	10.07.2020
2.	Gratuity	7,19,837/-	25,000/-	NEFT	15.10.2020

3.	Leave Encashment	3,42,117/-	50,000/-	NEFT	27.01.2021
			50,000/-	NEFT	19.02.2021
4.	P.F.	2,25,999/-	50,000/-	NEFT	30.03.2021
			11,37,953/-	377446	16.05.2023
	Total	**13,87,953/-**	**13,87,953/-**		

4. Learned State counsel representing respondents No.1 to 3 submits that the family pension of the petitioner was sanctioned on 03.07.2020 and the arrears of family pension for the period from 25.02.2020 to 30.06.2020 amounting to Rs.85,966/- has been deposited in the bank account of the petitioner and the regular pension is being paid to the petitioner w.e.f. 01.07.2020. She further submits that the revised family pension case of the petitioner as per 6^{th} Pay Commission was received on 25.04.2023 and the same was sanctioned on 09.05.2023. The arrears of revised family pension for the period from 01.07.2021 to 31.03.2023 amounting to Rs.1,16,296/- has also been deposited in the bank account of the petitioner.

5. Learned counsel for respondent No.4, while referring to the averments made in the short reply, submits that the payment of Rs.2,50,000/-, on account of death-cum-retiral benefits of the petitioner's husband, was earlier paid to the petitioner and the remaining dues of Rs.11,37,953/- have also been released to the petitioner on 30.05.2023 and now nothing is due towards the petitioner.

6. I have heard learned counsel for the parties and have gone through the relevant documents.

7. Admittedly, the husband of the petitioner had expired on 24.02.2020 while working with the respondent No.4. Since either before or after the death of the husband of the petitioner, no departmental/criminal proceedings were pending against him, therefore, his death-cum-retiral benefits were required to be released within a reasonable time. Having not released the death-cum-retiral dues of the husband of the petitioner in time hence, the petitioner is held entitled for interest @ 6% per annum.

8. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits 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 retiree 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 from 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."*

9. 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 the said judgment 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."*

10. In view of the above factual position and settled principles of law, the present petition is allowed and respondent No.4 is directed to pay interest @ 6% per annum on the death-cum-retiral benefits of the husband of the petitioner from 25.04.2020 (after expiry of two months from the date of death of the husband of the petitioner) till the actual date of payment, within a period of 02 months from the date of receipt of certified copy of this order.

24.04.2024 **(NAMIT KUMAR)**
kothiyal **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No