

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

Date of Decision : 24-07-2024

.....Petitioner

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Satnampreet Singh Chauhan, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance raised by the petitioner is that the petitioner has not been paid family pension and ex gratia grant on the ground of the death of her husband.

Learned State counsel submits that as per the reply filed, all the benefits admissible have already been released to the petitioner in the year 2023.

Learned counsel for the petitioner does not dispute the fact that the principle amount has been received but submits that as there is delay in the release of the benefit, the petitioner is entitled for the interest.

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

Once, the amount claimed has been released, means that there was no impediment in release of the same, and also establish the entitlement of the petitioner to get the said amount.

The question which arises is whether due to the delay, the petitioner is entitled for the grant of interest or not?

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.”

Hence, the petitioner is held entitled for the interest @ 6% per annum on the delayed release of the pensionary benefits from the date her amount becomes due till the actual date of payment. Let the order be complied within a period of 8 weeks from the receipt of certified copy of this order.

In view of the above, present petition is disposed of.

Ordered accordingly.

Pending application, if any, also stand disposed off.

24-07-2024

Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

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