



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

244

CWP-6679-2022 (O&M)  
Decided on :09.05.2024

BALWINDER KAUR

. .petitioner

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Vinod Kumar , Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. In the present petition, the grievance being raised by the petitioner is that the benefit for which the petitioner is entitled for in respect of service rendered by the late husband of the petitioner has not been released to her, which action on the part of the respondents is totally arbitrary and illegal.

2. Learned counsel for the respondents submits that as per the reply, all the benefits have been extended to the petitioner as of now.

3. Upon this, learned counsel for the petitioner submits that though the service benefits have been released to the petitioner during the pendency of the petition but interest has not been paid on the delayed release of payment as the petitioner became entitled for the amount on the date of death of the husband of the petitioner i.e. 11.07.2019, whereas the amount in respect of service rendered by the late husband of the petitioner has been released to the petitioner much thereafter.

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



5. Once, the amount which is being claimed by the petitioner in respect of service rendered by the late husband of the petitioner has already been released to her, the entitlement of the petitioner to get the said amount is not disputed. Once, the entitlement of the petitioner has not been disputed, the only question that arises is as to whether there is a delay in releasing the amount in respect of service rendered by the late husband of the petitioner or not.

6. It may be noticed that the husband of the petitioner died on 11.07.2019, whereas it is a conceded position that the amount in respect of service rendered by the late husband of the petitioner has been released to the petitioner much after the said date. Keeping in view the judgment passed by a Coordinate Bench of this Court in of **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, wherein it has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. 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.”*

7. Keeping in view the facts and circumstances noticed herein-before, the case of the petitioner is squarely covered by the settled principle of law noticed herein-above for the grant of benefit of interest on the delayed release of service benefits in respect of service rendered by the late husband of the petitioner as admissible to her. Hence, the petitioner is held entitled for the grant of interest @ 6% per annum on the delayed amount, from the date the said amount became due till the actual payments have been released to her.

8. Let the computation of interest be done by the respondents and amount so calculated shall be paid to the petitioner within a period of **eight weeks** from the date of receipt of copy of this order.

9.. The present petition is allowed in above terms.

10. Pending civil miscellaneous application, if any, shall also stand disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**09.05.2024**

*Riya*

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