



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

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CWP-5794-2023

Date of decision : 17.05.2024

Lachoo Devi

...Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jaskirat Singh, Advocate for
Mr. Lalit Goyal, Advocate for the petitioner.

Ms. Arundhati Kulshreshtha, A.A.G., Punjab
for respondents No.1 and 2.

Mr. Rakesh Roy, Advocate for
Mr. Abhilaksh Gaiind, Advocate
for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226 and 227 of the Constitution of India, seeking a writ of mandamus directing the respondents to grant interest @ 18% per annum on the delayed payment of retiral benefits.

2. Brief facts of the case, as have been pleaded in the petition, are that the husband of the petitioner namely Krishan Lal joined the Nagar Council, Gidderbaha as Sweeper on temporary basis in the year 1981 and was confirmed in the year 1984. Unfortunately, he died in harness on 17.08.2019, while working in Nagar Council, Gidderbaha. The petitioner made a representation dated 12.02.2020 to the respondent-Nagar Council for the grant of all the service benefits and



dues of her husband but to no avail. Thereafter, the petitioner approached this Court by filing CWP No.3778 of 2021 which was disposed of vide order dated 06.08.2021, with a direction to the official respondents to consider the representation dated 12.02.2020 moved by the petitioner and decide the same in accordance with law, by passing a speaking order preferably within a period of one month from the date of receipt of certified copy of the order. Pursuant to the order dated 06.08.2021, passed by this Court, the respondent granted the service benefits of the husband of the petitioner but without any interest on the delayed payment. The petitioner again filed representation dated 28.02.2023 to the respondents claiming interest on the delayed payment of service benefits but no action was taken on the same. Hence, the present petition.

3. Learned counsel for the petitioner submits that although all the retiral dues of the deceased husband of the petitioner have been released to the petitioner, however, the same have been released after a considerable delay. Therefore, the petitioner is entitled for grant of interest on the delayed payment of retiral dues 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 retiral dues of the husband of the petitioner have been released on the following dates :-

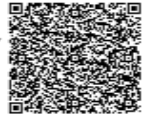
Sr. No.	Particulars	Payable amount	Amout paid	Cheque No.	Date
1.	Ex-gratia grant	10,00,000/-	5,00,000/-	077510	19.08.2019
			5,00,000/-	049244	28.08.2019



2.	Gratuity	9,17,151/-	17,000/-	085681	29.04.2020
			50,000/-	087649	07.07.2020
			50,000/-	087653	08.07.2020
			25,000/-	087731	26.08.2020
			50,000/-	087875	11.11.2020
			25,000/-	092712	19.01.2021
			25,000/-	096534	12.02.2021
			1,28,000/-	096594	16.03.2021
			50,000/-	097597	06.07.2021
			4,97,151/-	101534	30.09.2021
3	Leave Encashment	4,18,350/-	3,02,849/-	101534	30.09.2021
			1,00,000/-	101601	22.10.2021
			15,501/-	104586	10.12.2021
4.	Balance amount of PF Account	2,43,729/-	2,32,056/-	079569	13.09.2021
			11,673/-	104690	28.01.2022
5.	Installments of PF (including CPF and PF advance)	2,28,398/-	50,000/-	087653	08.07.2020
			84,499/-	104586	10.12.2021
			93,899/-	104690	28.01.2022
6.	Arrears of revised scales to be deposited in PF	14,830/-	14,830/-	104690	28.01.2022
7.	Balance of hike in DA at different times, scales to be deposited in PF	63,510/-	63,510/-	104690	28.01.2022

4. On the other hand, learned counsel for contesting respondent No.3 submits that all the retiral benefits of the petitioner have been released and nothing remains to be paid. However, he conceded the fact that some delay has occurred in releasing the retiral dues of the husband of the petitioner and the same is not intentional.

5. I have heard learned counsel for the parties and gone



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through the relevant documents.

6. Admittedly the husband of the petitioner died on 17.08.2019 and his retiral dues have been released between the period 19.08.2019 to 28.01.2022. Since the retiral dues of the husband of the petitioner have been released after a considerable delay, therefore, the petitioner is held entitled for interest @ 6% per annum on the same.

7. 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.”

8. 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.”

9. In view of the above factual position and settled principles of law, the present petition is allowed and respondent No.3-Executive Officer, Nagar Council, Gidderbaha is directed to pay interest @ 6% per annum to the petitioner, on the delayed payment of retiral dues of her deceased-husband w.e.f. 17.08.2019 (i.e. the date of death of her husband) till the actual date of payment, within a period of 02 months from the date of receipt of certified copy of this order.

17.05.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No