



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

CWP-7370 of 2024

Date of decision: 11.07.2024

Gurmail Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Sukhman Kaur, Advocate,
for the petitioner.

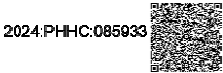
Mr. Rajesh Sehgal, Addl. A.G., Punjab.

Mr. Vikram Preet Arora, Advocate,
for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to pay the arrears of service benefits/dues of the husband of the petitioner, who died on 06.02.2019.

2. Instant writ petition has been filed by the petitioner, who is widow of Gurmej Singh, seeking writ of *mandamus* for directing the respondents to release the pensionary benefits of the husband of the petitioner, who died on 06.02.2019. On 30.05.2024, learned counsel for respondent No.4, on instructions from Commissioner, Municipal Corporation, Ludhiana, submitted that the case of the petitioner is under process and necessary benefits as claimed in the petition, shall be released to the petitioner within a period of two weeks and the case was adjourned for today. Learned counsel for respondent No.4 submits that



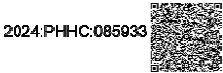
pensionary benefits of the deceased husband of the petitioner have been released. The details of the same are as under: -

Sr. No.	Dues	Amount	Paid on
1.	GPF	Rs.1,96,790/-	05.07.2024
2.	Gratuity	Rs.12,01,424/-	05.07.2024
3.	Leave encashment	Rs.5,84,801/-	05.07.2024
4.	Ex-Gratia Grant	Rs.1,00,000/-	05.07.2024
5.	Arrears of family pension	Rs.17,91,674/-	10.07.2024

3. Learned counsel for the petitioner submits that since there is a considerable delay in releasing the pensionary benefits of the husband of the petitioner, therefore, the petitioner is entitled for interest on the delayed payment in view of Full Bench judgment in **A.S. Randhawa v. State of Punjab and others, 1997(3) S.C.T. 468** and Coordinate Bench judgment in **J.S. Cheema v. State of Haryana, 2014(13) RCR (Civil) 355** and costs of litigation as she has been harassed by the respondents in not releasing the said benefits.

4. The only explanation which is forthcoming for the delay caused in releasing the said benefits is that the service book of the husband of the petitioner was not complete, therefore, the benefits could not be released in time. The said plea cannot be accepted as it is the duty of the employer to complete the service book of the employee.

5. Keeping in view the above, present writ petition is allowed. Respondent No.4 is directed to grant interest @ 7% per annum on the delayed payment of pensionary benefits from the date of death of the husband of the petitioner till the date of payment. The petitioner shall also be entitled for costs of the present petition, which is



assessed at Rs.25,000/-. Let necessary benefits be released to the petitioner within a period of two months from today.

11.07.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No