



CWP-9305-2021 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CWP-9305-2021 (O&M)
Date of Decision :23.07.2024

Kuldeep Kaur

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Charan Preet Singh, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, prayer of the petitioner is for the release of payment on account of revision of family pension along with interest.

As per the reply filed on behalf of the respondents, the respondents have already revised the family pension of the petitioner after granting the benefit of ACP, which was inadvertently not granted and as per para-4 of the reply, revised family pension has already been released.

The only question which survives in the present petition is whether, petitioner is entitled for the grant of benefit of interest on the arrears which have been paid to the petitioner on revision of the family pension as well as on revised gratuity.

As per the reply, the respondents themselves conceded the fact that inadvertently benefits of ACP after the 08 years of service has not been granted to



CWP-9305-2021 (O&M) -2-

the husband of the petitioner, which has now been granted due to which, the pensionary benefits have been revised. Once, it was only due to the inaction on the part of the respondents, the entitled benefits were not released to the petitioner, the arrears should be allowed along with interest so as to compensate the prejudice caused to the petitioner.

A Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, 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.”

Keeping in view the above, it is directed that balance of gratuity, if not already paid, be paid to the petitioners within a period of 08 weeks from the date of receipt of copy of this order. The arrears paid to the petitioner upon revision of pay and pensionary benefits will also carry interest @ 6% per annum from the date the said arrears became due upto the payment of revised arrears.

Present petition stands disposed of in above terms.



CWP-9305-2021 (O&M) -3-

Civil miscellaneous application pending, if any is also disposed of.

July 23, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nor