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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-12159-2022
Date of Decision: 14.02.2024

Sunita Rani

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Sharma, Advocate for
Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Punjab.

Mr. Surender Singh Pannu, Advocate for
Mr. Rahul Dev Singh, Advocate,
for respondent Nos.2 to 6.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of demand notice dated 02.01.2019 (Annexure P-2) vide which the respondent No.6 demanded an amount of Rs.12,66,652/- which is shown to be outstanding against the husband of the petitioner, who was working as a Driver with the official respondents and to direct the respondent Nos.2 to 6 to release the pensionary benefits of the husband of the petitioner, who died during his service.

2. Learned counsel appearing on behalf of the petitioner submitted that the husband of the petitioner died on 08.01.2018 while in

service and after his death, no pensionary benefits were given to the petitioner and it was delayed because of non-accounting of some material by the husband of the petitioner while he was in service. He further submitted that however vide Annexure P-1, the Superintending Engineer, had rather passed an order on 24.07.2018 in the nature of a memorandum regarding writing off the amount pertaining to the husband of the petitioner, who expired on 08.01.2018 and after writing of the amount outstanding against him still nothing was paid to the petitioner and therefore, the petitioner is entitled to all the pensionary benefits along with interest from the date of the death of the husband of the petitioner till the date of actual disbursement.

3. On the other hand, Mr. Surender Singh Pannu, Advocate for Mr. Rahul Dev Singh, learned counsel for respondent Nos.2 to 6 has caused appearance and submitted a copy of an affidavit of Executive Engineer, OP Division, UHBVN Ltd., Pundri, District Kaithal in the Court today, which is hereby taken on record. The Registry is directed to tag the affidavit at an appropriate place and a copy of the same has also been supplied to the counsel for the petitioner. As per the affidavit, now an amount of Rs.12,66,652/- has been paid to the petitioner by way of two separate cheques in the year 2023.

4. The learned counsel for the petitioner submitted that however the petitioner is also entitled to the interest on the principal amount.

5. After hearing the learned counsel for the parties and perusing the affidavit filed by the Executive Engineer, it appears that the principal amount was of Rs.12,66,652/- which is so reflected in the prayer of the present petition and this is the exact amount which has been paid by way of

the aforesaid cheques as mentioned in the affidavit and no justification was given by the learned counsel for the respondents as to why despite writing off the outstanding amount it was paid after a lapse of about five years. It is a settled law that the pensionary/retiral benefits are Right to Property under Article 300-A of the Constitution of India and even a separate writ for grant of interest is maintainable in view of the judgment of Full Bench of this Court passed in *“A.S. Randhawa Vs. State of Punjab and others”, 1997(3) SCT 468*, therefore, the petitioner is also entitled to grant of interest on the aforesaid payment.

6. In view of the aforesaid facts and circumstances, the present petition is partly allowed. The respondents are directed to pay an interest @ 6% per annum on the aforesaid amount of Rs.12,66,652/- to the petitioner from the date of the death of the husband of the petitioner till the date of actual disbursement of the amount within a period of three months from today.

14.02.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |