

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

225

CWP-15051-2021

Date of Decision :25.01.2024

Chanderkala

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.Amandeep Singh, Advocate for
Mr. Neeraj Sheoran, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, claim of the petitioner is for the grant of interest on the delayed release of the service benefits, which were admissible to the petitioner after the death of her husband, who was working with the respondent-department as a clerk and unfortunately died on 03.12.2012 in a road accident.

2. As per the averments made in the petition, service benefits were not released to the petitioner on the ground that certain criminal proceedings as well as departmental proceedings were pending at the time of the death of the husband of the petitioner.

3. Learned counsel for the respondents have conceded that full payment with regard to service benefits has been released to the petitioner on 13.03.2019 when all the proceedings, which were pending against the late husband of the petitioner were dropped.

4. Learned counsel for the petitioner submits that the petitioner is entitled for the grant of interest on the delayed release of service benefits as the respondents took approximately six and a half years to release the service benefits to the petitioner, which is arbitrary and illegal.

5. Learned counsel for the respondents submits that it is conceded position that service benefits were released to the petitioner on 13.03.2019 as the same could not have been released upon the death of the husband of the petitioner in December 2012 as departmental proceeding were pending against the husband of the petitioner, which were required to be filed hence, therefore, immediately when all the proceedings came to an end, the service benefits were released to the petitioner hence, claim of the petitioner for the grant of benefit of interest is liable to be rejected.

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

6. In the present petition, though certain proceedings were pending against the husband of the petitioner at the time of his death but keeping in view the settled principle of law, immediately upon the death of an employee, all the proceedings pending against the said employee stands abated.

7. That being the factual position, respondents should not have taken 07 years to close the said proceedings so as to release the service benefits in favour of the petitioner as immediately after the death of the husband of the petitioner, the petitioner became entitled for the grant of service benefit in respect of the service rendered by her late husband.

8. Further, 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.”

The case of the petitioner is squarely covered by the above said decisions in her favour for the grant of interest on the delayed release of service benefits admissible to her.

Hence, petitioner is held entitled for the interest @ 6% per annum on the payments, which have been released after a delay from the date the amount became due till the actual payments have been released to her.

Let the computation of interest be done by the respondents within a period of two months from the date of receipt of copy of this order.

Writ petition is allowed in above terms.

January 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No