



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CWP-1471-2018 (O&M)
Date of Decision:13.08.2024

Shakuntala Devi

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and Another

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.K. Maik, Sr. Advocate assisted by
Mr. Sandeep Dhull, Advocate for the petitioner.

Ms. Aditi Sharma, Advocate for
Mr. C.S. Bakshi, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the action of respondent No.1 by which services rendered by the husband of the petitioner from 06.12.1979 to 12.08.2004 in HPGCL has not been counted for the purpose of granting pension and pensionary benefits.
2. Today, an additional affidavit has been filed by respondents-Nigam and the same is taken on record. A copy of the additional affidavit has been supplied to learned Senior Counsel for the petitioner.
3. Learned Senior counsel for the petitioner submitted that as per the affidavit which has been filed today by respondent-Nigam, the prayer of the petitioner for counting of the past service of her husband for the purpose of grant of pension and pensionary benefits, has been allowed and the amount



has been calculated and paid to the petitioner. He further submitted that so far as the aforesaid grievance is concerned, the same stands satisfied but the petitioner is entitled for the grant of interest on the delayed payment of the aforesaid amount. In this regard, learned Senior counsel for the petitioner submitted that husband of the petitioner had retired from the respondent-Nigam on attaining the age of superannuation on 30.04.2016 and thereafter he died on 26.12.2016. He further submitted that the claim of the petitioner for counting the aforesaid past service for the purpose of pensionary benefits was under active consideration with the respondent-Nigam much before the retirement of husband of the petitioner. In this regard he referred to Annexure P-3 wherein a letter was written by the Managing Director, UHBVN, Panchkula to the Chief Engineer/Admn. HPGCL, Panchkula, regarding the aforesaid purpose and the matter went for consideration. Learned Senior counsel also referred to various other communications vide Annexures P-4 to P-6 in this regard and submitted that it is not a case that husband of the petitioner did not take up this matter for the aforesaid purpose but it was because of the delay on the part of the respondents themselves that despite the fact that the claim of the husband of the petitioner was under consideration before the respondent-Nigam even prior to his retirement, the same was not settled by the respondent-Nigam and now during the pendency of the present writ petition, the respondent-Nigam has reconsidered the entire issue and has granted the pensionary benefits which were claimed by the petitioner and there is no justification for the aforesaid delay in the affidavit which has been filed by the respondent-Nigam today. Consequently the petitioner is entitled for grant of interest on delayed payment of aforesaid amount.



4. On the other hand, learned counsel appearing for the respondents submitted that since the matter has been reconsidered and entire amount has been paid to the petitioner after counting the past service of husband of the petitioner and as such nothing would survive for adjudication in the present writ petition.

5. I have heard learned counsels for the parties.

6. By way of the aforesaid affidavit which has been filed today, the respondents themselves have reconsidered the claim of the petitioner for counting of past service of her husband and entire amount pertaining to pension and pensionary benefits has already been paid to the petitioner regarding which learned Senior Counsel for the petitioner submitted that he is satisfied with the same. However, the only issue which survives in the present case is as to whether the petitioner is entitled for grant of interest on the delayed payment or not.

7. A perusal of the aforesaid Annexures P-3 to P-6 would show that the matter pertaining to counting of past service of husband of the petitioner was under active consideration with the respondents-Nigam much before the retirement of husband of the petitioner and there is nothing on record or in the affidavit to show that as to why delay has been occurred in granting the aforesaid benefits. Now the respondents-Nigam themselves have granted the aforesaid benefits to the petitioner which would mean that the husband of the petitioner was entitled for the aforesaid benefit at the time of retirement. In the absence of any justification for the delay, the petitioner would certainly be entitled for the grant of interest.

8. In view of the above, the present petition is partly allowed. The



respondents-Nigam are directed to pay the interest to the petitioner @6% per annum (simple) on the amount which has been given to her as so stated in the affidavit that has been filed today within a period of three months from today.

9. In case the aforesaid amount is not paid to the petitioner within the aforesaid time period then the petitioner shall be entitled for future rate of interest @9% per annum (simple).

(JASGURPREET SINGH PURI)
JUDGE

13.08.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No