



CWP-20275-2021

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

**CWP-20275-2021
Date of Decision: 24.07.2024**

Rajo Devi

..... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashwani Talwar, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the orders dated 13.05.2021 (Annexure P-4) whereby the respondents have refused to count the period of service of petitioner's late husband, namely, Sh. Karambir Singh from 01.01.1986 to 04.05.1993 spent as daily wages/contingent employee prior to his regularization w.e.f 05.05.1993 towards service qualifying for pension and to direct the respondents to pay the aforesaid benefits along with interest.

2. Giving the facts of the case, Mr. Ashwani Talwar, learned counsel for the petitioner has submitted that the petitioner is a widow and her husband was working as a contingent labourer on daily wage basis w.e.f. 1986 onwards and thereafter, his services were regularized by the



respondent-Nigam on 04.05.1993 as regular works mate. However, while in service, the husband of the petitioner unfortunately died on 01.02.2019 and thereafter, the petitioner being widow was granted the pensionary benefits. However, the respondent-Nigam did not count the service of the husband of the petitioner while he was working on daily wages prior to his regularization despite a legal notice being issued to them vide Annexure P-3. He further submitted that it is a settled law that the aforesaid service has to be counted for the purpose of pensionary benefits and now during the pendency of the present petition, the relief has been granted to the petitioner by counting the aforesaid service since the husband of the petitioner was regularized for the purpose of pensionary benefits and payment has rather been made to the petitioner on 28.06.2024. He also submitted that it is not in dispute that the husband of the petitioner was entitled for the grant of the aforesaid benefit because the respondent-Nigam have themselves counted the aforesaid services of the husband of the petitioner and paid the same but the only issue, which survives in the present case would be with regard to the delay and therefore the petitioner, who is a widow, is entitled for interest on the aforesaid delay. Learned counsel for the petitioner has referred to a Full Bench judgment of this Court passed in “**A.S. Randhawa Vs. State of Punjab and others**”, 1997(3) SCT 468, in this regard.

3. On the other hand, Mr. Rajesh Gaur, learned counsel for the respondents submitted that factually it is correct that during the pendency of the present petition, now on 28.06.2024, the benefit of counting of past services for the purpose of pensionary benefits has been granted to the petitioner and the arrears of the same has also been paid to the petitioner.



4. I have heard the learned counsel for the parties.

5. The only issue which survives in the present cases is with regard to the claim of interest on the delayed payment. It is not in dispute in the present case that the husband of the petitioner was entitled for the grant of counting of his past service for the purpose of calculating the pensionary benefits because the respondents-Nigam have themselves paid the same to the petitioner, who is a widow, on 28.06.2024, but there is a delay of about five years as it was duty of the Nigam to have done the needful immediately after the death of the husband of the petitioner. It was not necessary for the petitioner to have issued any legal notice even because the law in this regard is well settled and now after a lapse of about five years, the aforesaid benefits have been granted to the petitioner. Therefore, this Court is of the considered view that the petitioner would be entitled for grant of interest on the delayed payment of the same.

6. Consequently, the present petition is partly allowed. The respondents are directed to pay the interest @ 6% per annum (simple) to be calculated from the date of death of husband of the petitioner till the date of its actual disbursement to the petitioner. The aforesaid amount shall be made within a period of four months from today. In case, the aforesaid amount is not paid to the petitioner within a period of four months from today, then the same shall carry a future rate of interest @ 9% per annum (simple) instead of 6% per annum (simple).

7. Since the petitioner is a widow and she has not been granted the benefits which accrued to her at the time of death of her husband, the petitioner shall also be entitled for costs which are assessed as Rs.25,000/-



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(Rupees Twenty Five Thousand Only) which shall also be paid to the petitioner by the respondents-Nigam within the aforesaid period of four months.

24.07.2024 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

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