



**CM-13415-CWP-2024 in/and
CWP-4581-2018**

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

(102+216)

**CM-13415-CWP-2024 in/and
CWP-4581-2018**

Date of Decision : August 23, 2024

Sukhpal Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saajan Singla, Advocate, for the petitioner.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Annexure P-10 is taken on record.

CWP-4581-2018

1. Present writ petition has been filed for the release of the family pension and other retiral benefits in respect of the service rendered by the late husband of the petitioner, which benefits were refused by the respondents vide impugned order dated 18.05.2017 (Annexure P-7).

2. Learned counsel for the petitioner submits that during the pendency of the present writ petition, the benefits have already been



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released but as there is a delay in the release of the benefits, the petitioner is entitled for the grant of interest. Learned counsel for the petitioner further submits that the late husband of the petitioner died on 28.12.2014 but the benefits for which the petitioner is entitled for, have only been released in the year 2022/2023 hence, the petitioner is entitled for the grant of interest keeping in view the judgment of the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.***

3. Learned counsel for the respondents, on the other hand, submits that the question of law whether the employees, whose services were regularized after 01.01.2004 though, they were in service as on 01.01.2004 are to be considered under Old Pension Scheme only attained finality in the year 2010 and the claim of the husband of the petitioner was only allowed on the basis of the said judgment in February 2015 hence, the claim of the petitioner was being processed and ultimately released and therefore, as there is no intentional delay on the part of the respondents, the grant of interest as being claimed by the petitioner may kindly be declined.

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

5. Once, the benefits for which the petitioner is entitled for in respect of the service rendered by her late husband, have already been released by the respondents, it can be safely held that the entitlement of the petitioner is not disputed. Once, the entitlement of the petitioner was not disputed, the benefits should have been released immediately after the death of the husband of the petitioner whereas, the respondents took 8 to 9 years to release the same and forced the petitioner to approach this Court by filing



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the present writ petition by rejecting admissible claim of the petitioner.

6. As per the judgment of the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, an employee who retires, is entitled for the release of the pensionary benefits within a period of two months in case there is no impediment and the said analogy will also apply where, the employee dies while in service, in case there is no impediment, the service benefits should also be released to the legal heirs. In the present case, the respondents took 8 to 9 years to release the same.

7. Not only this, as per the judgment of the Coordinate Bench of this Court in **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, where an amount belonging to an employees has been retained and used by the respondents, the employee becomes entitled for interest. The relevant paragraph of the said judgment 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.”

8. Keeping in view the above, as the respondents themselves have released the amount to the petitioner, which proves the entitlement of the petitioner for the said amount and concededly the said amount was retained



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by the Department for more than 8 to 9 years, the petitioner is held entitled for interest on the payment which has been released to the petitioner. The petitioner will be paid interest on the amount paid to her @ 6% per annum from 01.01.2015 onwards till the actual payment of the same. Let the interest under this order be calculated and released to the petitioner within a period of eight weeks of the receipt of copy of this order.

9. The present writ petition is disposed of in above terms.

August 23, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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