



CWP-27640-2024 (O&M) -1-

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

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**CWP-27640-2024 (O&M)
Date of Decision :21.10.2024**

Neelu Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anureet S. Sidhu, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab
assisted by Dr. Subhash Kumar. State Public Health Department
Kharar.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the respondent-State on instructions from Dr. Subhash Kumar, O/o State Public Health Department, Kharar submits that all the dues admissible to the petitioner in respect of the services rendered by the late husband of the petitioner will be released to the petitioner within period of 04 weeks from the date of receipt of copy of this order.

Learned counsel for the respondent-State further submits that the disciplinary proceedings which were pending against the husband of the petitioner have already been ordered to be dropped and all the emoluments admissible to the petitioner will be released to the petitioner within a period of four weeks from the date of receipt of copy of this order.



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As after the death of the husband of the petitioner, who died on 24.12.2022, there was no valid justification with the department to continue with the departmental proceedings so as to withhold the service benefits for which the petitioner was entitled in respect of the service rendered by late husband of the petitioner including pension as well as family pension starting from 25.12.2022, not only the said benefits have to be released to the petitioner but as the said benefits have been retained by the respondents, keeping in view the judgment of the Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, wherein it has been 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 petitioner is also held entitled for the benefit of interest on the arrears of pensionary benefits of the late husband of the petitioner, pension as well as family pension for which, the petitioner becomes entitled after the death of her husband @ 6% per annum from the date the same became due till the actual payment is made.

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.”

It is made clear that in case, the undertaking given before this

Court is violated in any manner to the effect that the benefits are released



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after the period of 04 weeks, the same will not only amount to contempt of Court but otherwise serious view will be taken.

Present petition is disposed of in above terms.

Civil miscellaneous application pending, if any, is also disposed of.

October 21, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No