

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

Date of Decision : 03-09-2024

.....Petitioner

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Swapan Shorey, DAG Punjab assisted
by Ms. Parneet Kaur, Asstt. Director,
Department of Rural Development and Panchayats, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that she has not been granted family pension despite being entitled for the same under Punjab Civil Services Rules and law.

After notice of motion, learned counsel for the respondents on instructions from Ms. Parneet Kaur, Asstt. Director, Department of Rural Development and Panchayats, Punjab submits that vide PPO in July, 2023, the petitioner has been allowed the grant of family pension from the date of her entitlement, and all the arrears have also been released to her and therefore, the present petition has been rendered infructuous.

It may be noticed that the present petition was filed in the year 2019 claiming the family pension from the year 2014. Once, the respondents

have already granted the said benefit on their own, it makes it clear that there was no impediment in the release of the family pension of the petitioner from the year 2014 onwards, which was only released after a period of 9 years of the entitlement of the petitioner.

Nothing has come on record as to why it took 9 years to decide the claim of the petitioner to grant her family pension.

As per the settled principle of law laid down by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, it has been held that where there is an inordinate delay in the release of the family pension of an employee and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of said judgment is as under:-

“Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.”

Apart from this, a Coordinate Bench of this Court in **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, had held that an

employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. 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.”

Keeping in view of the above, the petitioner is also entitled for interest @ 6% per annum on the arrears, which have been made admissible to the petitioner on account of grant of family pension from the year 2014. The said interest will be paid from the date the petitioner became entitled for the release of the family pension till the actual payment of the same.

Let the interest for which the petitioner was entitled for under this order be calculated and released to the petitioner within a period of 4 weeks from the receipt of copy of this order.

Present petition is disposed of in above terms.

Pending application, if any, also stands disposed of.

03-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: : YES/NO
Whether reportable: YES/NO