



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

204+110

CWP-93-2024 (O&M)
Date of decision :19.12.2025

Surinder Pal Kaur

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

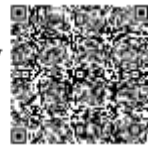
Present: Ms. Tavesha Gupta, Advocate with
Mr. Shreenath A. Khemka, Advocate for the petitioner
as Legal Aid Counsel.

Mr. Satnampreet Singh Chauhan, D.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to grant pension w.e.f. 01.06.2022 to 15.07.2022 and family pension w.e.f. 16.07.2022 till date along with arrears and interest @ 12% per annum.

2. Brief facts of the case, as have been pleaded in the petition, are that the husband of the petitioner, namely Sh. Gurdeep Singh joined the service on 21.11.1974 with the Department of Rural Development and Panchayat, Punjab and after serving the respondent-Department for more than 36 years, he superannuated as Panchayat Secretary on 31.08.2011. Thereafter, he was receiving pension. Unfortunately, he died on 15.07.2022 and the petitioner, being his widow, was entitled for family pension. However, despite submitting the relevant documents



and preferring multiple representations to the respondents, she has not been given family pension. Hence, the instant petition.

3. Short reply by way of an affidavit of Ms. Parneet Kaur, Assistant Director, Department of Rural Development and Panchayats, Punjab, on behalf of respondents No.1 & 2, has been filed, wherein it has been stated as under :-

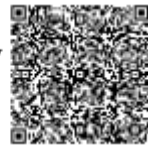
“xx xx xx xx xx

3. *That it is respectfully submitted that the pension has been sanctioned to the petitioner vide PPO No.1659 and the arrears of pension from 01.06.2022 to 15.07.2022, amounting to Rs.37,605/-, and the arrear of family pension from 16.07.2022 to July, 2024, amounting to Rs.5,01,563/- totaling Rs.5,39,168/- have been paid to the petitioner on 12.09.2024. Further, the family pension is also being paid to the petitioner through pension bill regularly.*

xx xx xx xx xx”

4. Learned counsel for the petitioner submits that although, during the pendency of the instant petition, arrears of pension/family pension have been released to the petitioner, however, the same have been released after a considerable delay. Therefore, the petitioner is entitled for interest on the delayed payment of arrears of pension/family pension.

5. Learned State counsel, while referring to the averments made in the short reply filed on behalf of the respondents No.1 & 2, submits that the delay occurred in releasing the arrears of pension/family pension of the petitioner is entirely procedural and not intentional. Therefore, the petitioner is not entitled for any interest.

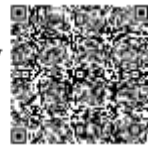


6. I have heard learned counsel for the parties and have gone through the relevant documents.

7. Admittedly, the husband of the petitioner unfortunately died on 15.07.2022, whereas the arrears of pension amounting to Rs.37,605/- and family pension amounting to Rs.5,01,563/- have been released to the petitioner on 12.09.2024 i.e. after a delay of more than two years from the death of her husband. Since there is a considerable delay in releasing the arrears of pension/family pension of the petitioner, therefore, the petitioner cannot be denied the benefit of interest on the delayed payment of arrears of pension/family pension as per settled principles of law.

8. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of the said judgment is as under:-

“8. 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. xx xx xx xx”



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9. Apart from this, in *J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355*, this Court 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 the said judgment is as under: -

“5. xx xx xx xx 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 laying 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.”

10. In view of the above factual position and settled principles of law, the present petition is disposed of with a direction to the respondents to pay interest @ 7% per annum on the delayed payment of arrears of pension/family pension, to the petitioner w.e.f. 16.09.2022 (i.e. after two months from the death of her husband) till the actual date of payments, within a period of 02 months from the date of receipt of certified copy of this order.

11. Pending application, if any, shall stands disposed of accordingly.

19.12.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No