2025:PHHC:172588

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

**CWP-2399-2025 (O&M)
DECIDED ON: 10.12.2025**

SMT KIRAN DEVI

.....PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parveen Mor, Advocate for the petitioner(s)
Mr. S.K. Sharma, Advocate
Sr. Panel Counsel for the respondent.

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<u>SANDEEP MOUDGIL, J (ORAL)</u>

<u>CM-11707-2025</u>

This application has been filed for placing on record short reply on behalf of respondent-UOI.

For the reasons mentioned in the application and keeping in view the submission made by counsel for the applicant, the application is allowed subject to all just exceptions and short reply on behalf of respondent-UOI is taken on record.

<u>Main case</u>

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondents to sanction release the benefits of Extra Ordinary Pension along with the arrears and all benefits pending till date instead of Ordinary Family Pension w.e.f.19-08-2003 to the petitioner along with 18% interest on the death of her husband on 18-08-2003 while in service due to above disease as the said disease is covered in listed disease due to stress and strain of government service according to Schedule 1-A List and Classification of Diseases which can be contracted by service.

Learned counsel for the respondent has filed reply and the relevant paragraph Nos. 2 and 3 are reproduced hereinbelow :-

> *2. That notice has been issued but respondent could not file its reply, however during the pendency of the present writ petition, the competent authority has reconsidered the matter and decided to sanction and paid extra ordinary family pension to the petitioner and granted extra ordinary family vide Pension Payment Order No. PAO/AR/PEN/EOFP.Rep (FP)/358311/2025/2150 dt 08.04.2025 (Copy of the same is enclosed as Annexure R-1.*
>
> *3. That after consideration of the case extra ordinary family pension @ Rs. 18000/- Per Month plus Dearness Relief of Rs. 9900/- and medical allowance of Rs. 1000/- total 28900/- has been paid to the petitioner for the month of May 2025 onwards and further the petitioner has been paid the arrear of extra ordinary family pension from the period from 19.08.2023 to 30.04.2025 amounting to Rs. 1244340/- on 25.05.2025 by the pension disbursing authority and credited to her bank account (Copy of the statement is enclosed as Annexure R-2) for kind perusal of this Hon'ble Court.'*

A perusal of the revised authorization of pension under the ECS Rules makes it evident that the case pertains to Extraordinary Family Pension, medical allowance, as well as arrears of the Extraordinary Family Pension, which have been paid to the petitioner.

However, learned counsel for the petitioner submits that same should have carried interest on account of delayed release of payment to which the petitioner became entitled from the date it becomes due i.e. 18.08.2023 till the date of its realization.

The Court is of the view that the denial of timely disbursement of family pension and the accrued arrears has not been a mere administrative lapse but has inflicted tangible hardship upon the petitioner. A benefit meant to secure subsistence and dignity was withheld without justification, compelling the petitioner to traverse a long, avoidable, and entirely unnecessary course of litigation. It must be remembered that pension is not a bounty, but a rightful entitlement and an affirmation of the State's obligation to those who have served it. To withhold such dues, and thereafter compel the beneficiary to seek judicial intervention, is to erode that obligation and to burden an already vulnerable claimant with avoidable anguish.

Guidance may be sought from "**Vijay L. Mehrotra v. State of U.P. (2001) 9 SCC 687"** the apex court observed as under

> *3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.*
>
> *4.. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 per cent with effect from the date of her retirement i.e. 31st August, 1997 till the date of payment.*

Moreover, a full Bench of this Court in ***A.J. Randhawa Supdg Engineer vs.State of Punjab and others, (1997) 117 PLR 6*** dealing with a question of entitlement to interest on delayed payment of retiral benefits held as under:

> *9. 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 retirer 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 front 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. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%.*

This principle squarely applies to the present case of the petitioner, who is clearly entitled to interest on the delayed benefits.

In view of the above observations, the petition is allowed and respondent is directed to grant 6% interest per annum for the period of delay on the amounts as paid to them within 3 months from the date of receipt of a copy of this order.

(SANDEEP MOUDGIL)
JUDGE

10.12.2025
anuradha

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