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

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CWP-4632-2023 (O&M)
Date of decision: 06.02.2025

KRISHNA DEVI **....Petitioner**

Versus

STATE OF PUNJAB AND OTHERS **...Respondent**

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Amrik Singh, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG Punjab.

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AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is to release the accrued revised pension of the husband of the petitioner, who retired as field Kanugo on 30.04.1987 and had expired on 13.12.2018, in accordance with Notification dated 17.08.2009, 21.12.2011 and 27.06.2017, specifically laying down that pension in no case shall be less than 50% of the minimum of the pay and also to fix the family pension accordingly.

2. As is evident from para 4 of the short reply dated 17.10.2024 filed by respondent No.5- Accountant General, (A&E) Punjab and para 2 on behalf of respondent Nos. 1 to 4 dated 21.10.2024, that the Sub Divisional Magistrate, Nakodar, District Jalandhar had vide memo No.330 dated 26.05.2023 submitted

the request for revision of pension as well as family pension, which was process and finalised by respondent No.5 on 12.07.2023 changing the rate of pension/ family pension, who is since then getting disbursement thereof on regular basis. It was the Tehsildar, Nakodar, who had taken up the matter with the Managing Director, Punjab National Bank on 24.08.2023, requesting to issue necessary direction to it for immediate payment of pension /family pension arrears and revision of regular pension in respect of the petitioner. Accordingly, pension of husband of the petitioner was revised from Rs.5772 to Rs.8145 for the period 1.3.1987 to 13.12.2018 and family pension from Rs.4212 to Rs.4887 for the period from 14.12.2018 onwards.

3. Apparently, the action with regard to the claim has been taken only after filing of the present petition and issuance of notice of motion on 9.3.2023 for 12.07.2023. As a matter of fact, respondent No.3 in its para 7 of the reply with regard to the claim of interest has stated that the matter pertains to the administrative department as categorically provided in Rule 9.13 of Punjab Civil Services Rules, Vol-I. Be that as it may, in none of the replies filed to the present petition, there is any justification much less plausible for the delay having been caused in revising the pension or the family pension.

4. The pension/ family pension is a treasured right. The husband of the petitioner, having passed away, she had to endure significant hardships and the revision thereof was done after a humongous delay, which remained unexplained. The respondents having unjustly enriched themselves with the amounts that she was legally entitled to receive, must be made to feel a twinge of remorse by paying interest on such amounts, it being compensatory in nature.

5. Hon'ble the Supreme Court in the case of **The State of Andhra Pradesh and another vs. Smt. Dinavahi Lakshmi Kameswari,** SLP (C) No.12553 of 2020, decided on 08.02.2021, wherein on account of deferred salaries and pensions, interest at the rate of 6% per annum was granted, reduced the same from 12% as granted by the High Court.

6. Stressing on the importance of granting pension, Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair,** (1985) 1 SCC 429, held that, "Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

7. In **A.S. Randhawa vs. State of Punjab and others**[1], **Vijay L. Mehrotra vs. State of UP**[2] and **J.S. Cheema vs. State of Haryana**[3] it was held that indisputably a retiree is entitled to compensation for delayed payments, most equitably addressed through interest on the due amount from the date of superannuation, particularly when no valid justification for the delay exists, emphasizing that the retirement of a government employee triggers an immediate entitlement to pension and related benefits, placing a statutory obligation on the State to ensure disbursement within a reasonable timeframe, typically no longer than two months. Failure to do so entitles the retiree to compensation via interest and the Court likened such interest to "rent for the usage of money" that rightfully

[1] 1997(3) SCT 468
[2] 2001 (9) SCC 687
[3] 2014(13) RCR (Civil) 355

belonged to the petitioner but was unjustly retained and utilized by the State.

8. In the present case, no reasons forthcoming for having revised the pension in accordance with the aforesaid Notification and consequently, disbursing the arrears/retiral benefits, from which the respondents benefited from the amount that though was due towards the petitioner. Any unwarranted delay in disbursing pension and other retiral benefits,

9. In view of the above, the petitioner is found entitled to grant of interest at the rate of 6% per annum from the date the amount released fell due till realization, payable by respondent Nos.1 to 4 and if required, settle the same separately with respondent No.5. Needful to be done within a period of three months.

10. Pending application(s), if any, stand disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

06.02.2025
Amandeep

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