



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

237

CWP-6487-2021 (O&M)
Date of decision: 06.02.2025

Gurmeet Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Arun Gupta, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to release the gratuity and commute pension of the deceased-husband of the petitioner along with interest @ 18 p.a.

2. As is apparent from the reply filed by way of affidavit of District Treasury Officer on behalf of respondent No.5 that the report was received by respondent No.3 regarding the Legal Heirs of husband of the petitioner on 09.03.2021. Thereafter vide order dated 30.03.2021 addressed to the petitioner, the bank account numbers were required of all 5 heirs, which were provided on 22.04.2021. The commutation amount of Rs.2,46,804/- was paid in equal shares on 13.08.2021 and gratuity on 31.10.2022, while it was revalidated on 08.06.2022.

3. 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.

4. 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."

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

6. The delay in releasing the pensionary benefits, a cherished right, entitles the petitioner to interest thereon, as compensation for being deprived of the funds, which the respondents wrongfully withheld and benefited from, serving as reparation rather than a penalty.

¹ 1997(3) SCT 468

² 2001 (9) SCC 687

³ 2014(13) RCR (Civil) 355



7. In view of the aforesaid, the present petition stands disposed of by directing the respondents to pay the interest to the petitioner at the rate of 6% per annum on amounts from 22.04.2021 till 31.10.2022. Needful be done within a period of three months.

(AMAN CHAUDHARY)
JUDGE

06.02.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No