268 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5943-2023
Date of decision: 13.11.2025

Nasra Warsi ....Petitioner

Versus

Punjab Waqf Board and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. G.N. Malik, Advocate
for the respondents

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to pay gratuity @ Rs.3.00 lakhs after adjustment of Rs.50,000/- already paid along with interest @ 12% per annum and further to grant interest @12% per annum on the delayed payment of Rs.16,42,582/- which was required to be paid in compliance of the order dated 25.05.2016 passed by this Court.

2. Learned counsel for the petitioner *inter alia* contends that the husband of the petitioner was employed with the respondent-Board and he was dismissed from service vide order dated 14.07.1997. Aggrieved against the said order of dismissal, the husband of the petitioner filed CWP No.3065 of 1998 which was admitted on 04.03.1998. During the pendency of the writ petition, the husband of the petitioner unfortunately expired on 06.11.2006

Neha
2025.11.18 09:41
I attest to the accuracy and
integrity of this document

behind petitioner and his two daughters. The said writ petition was allowed and the impugned order of dismissal was quashed by this Court on 25.05.2016 (Annexure P-3) and ordered that all tangible and monetary consequential benefits flowing therefrom will be admissible to the legal heirs of the husband of the petitioner and the arrears of the admissible dues are directed to be paid within two months from the date of receipt of certified copy of the order. The petitioner through her counsel supplied the copy of the judgment rendered by the Single Bench of this Court on 05.08.2016. The respondent filed an intra Court appeal bearing LPA No.398 of 2017. During the pendency of the LPA, on 20.05.2022, the respondent-Board released the actual amount of arrears of difference of salary w.e.f. 1994 to March, 2005 including leave encashment, gratuity of Rs.50,000/-. Further, an undertaking was obtained from the petitioner that she will not raise any unlawful claim or demand. The petitioner is entitled to the gratuity in terms of the Gratuity Act, 1972, as such, the petitioner is entitled to receive the payment of Rs.3.50 lakh of gratuity under the Gratuity Act, 1972. The respondent-Board has withdrawn the LPA No.398 of 2017 on 02.08.2022. As such, the petitioner is entitled to the interest from 25.07.2016 in terms of the order passed by this Court in CWP No.3065 of 1998.

3. Per contra, learned counsel for the respondents submits that petitioner is not entitled to the gratuity of Rs.3.50 lakhs. The husband of the petitioner was supposed to superannuate in the month of March, 2005 and at that time, the employees of the respondents-Board were not paid leave encashment and gratuity at par with the employees of the Government of Punjab and he refers to the Annexure R-2 i.e. the notification and submits that

Neha
2025.11.18 09:41
I attest to the accuracy and
integrity of this document

the respondent-Board has passed the resolution and making the benefit of death-cum-retirement gratuity and leave encashment to employees of the Punjab Waqf Board at par with the Punjab Government w.e.f. 15.07.2006, as such, the petitioner is not entitled to the gratuity of Rs.3.50 lakh and further, the respondents-Board is an autonomous body and it is competent to fix a cut off date for admissible benefits. He further submits that the petitioner has given an undertaking at the time of accepting all the pending dues on 07.05.2022 and she has categorically stated in the undertaking that she has received the amount of Rs.16,42,582/- in lieu of retiral benefits (Gratuity, Leave Encashment and Difference of Salary w.e.f. March, 1994 to March, 2005) and further, in compliance of order dated 25.05.2016 passed by this Court in CWP No.3065 of 1998 titled as '*M.A. Warsi through LRs Vs. Union of India & others*' (Annexure P-3), nothing remains with the respondent-Board and she will not raise any unlawful claim in future. As such, the present civil writ petition is liable to be dismissed.

4. Having heard learned counsel for the parties and on perusal of the record, it transpires that order of dismissal of the husband of the petitioner was set aside by this Court in CWP No.3065 of 1998 which was allowed and operative para of which reads as under:-

> *'...52. I would, therefore, allow this petition and quash the impugned order of dismissal as illegal, arbitrary, unreasonable, irrational and unconstitutional, besides it is based on no legal or probative evidence and is rather found grossly disproportionate to the imputations of misconduct all of which do not justify the extreme punishment of dismissal from service. All tangible and monetary consequential benefits flowing therefrom will be admissible to the*

Neha
2025.11.18 09:41
I attest to the accuracy and
integrity of this document

> *LRs of the petitioner after fixation of pay as a result of this order. Due compliances after calculating arrears of money due are directed to paid to the LRs of the late petitioner within 2 months from the date of receipt of a certified copy of the order. The amounts will be actual and will not carry any interest. The same be worked till the date of superannuation of the petitioner had he continued in service. The widow would be entitled to other benefits including family pension etc in accordance with law. There will however be no order as to costs.'*

5. Admittedly, the retiral dues were paid only in the month of May, 2022 and claiming interest on account of delay in releasing the retiral dues cannot be termed as unlawful, rather, the case of the petitioner is squarely covered by the judgment rendered by a Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343.*** Further, there is no replication filed by the petitioner to deny that the benefit of gratuity was extended to the employees of the Board w.e.f. 15.07.2006, whereas, late husband of the petitioner was supposed to retire in March, 2005.

6. In view of the discussion above, the present petition is allowed to the extent of granting interest. The respondents-Board are directed to release interest @ 6% per annum to be calculated from 24.07.2016 till the date of actual payment to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

7. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.11.2025
Neha

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

Neha
2025.11.18 09:41
I attest to the accuracy and
integrity of this document