



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-15156-2021 (O&M)

Date of decision: 07.03.2025

Brahmo (deceased) through her Legal Representative

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate for the petitioner(s).

Mr. Tapan Kumar, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-8194-CWP-2023

Application is allowed as prayed for subject to all just exceptions. Short replication to the written statement filed on behalf of respondents No.1 to 3 is taken on record.

Registry is directed to tag the same at an appropriate place with its paging.

Main case:

The petitioner, who is legal representative of Ishwar Singh, has approached this Court for seeking interest on the delayed payment of pensionary benefits.

Learned senior counsel appearing on behalf of the petitioner contends that Ishwar Singh was appointed as Mali-cum-Chowkidar on daily wages on 02.02.1987 and his services were regularized w.e.f. 01.02.1996.

Ishwar Singh retired from service on attaining the age of superannuation on



30.11.2001, the pensionary benefits admissible to him were not released. Aggrieved thereof, Ishwar Singh filed CWP-361-2002, which was allowed vide order dated 07.02.2007. The operative part of the said order reads thus:

“xxxxxx

A perusal of the aforementioned facts clearly shows that the petitioner had worked as daily wager from 2.2.1987 upto 1.1.1996. The ratio of Hari Chand's case as well as Mohan Singh's case (supra) are clearly applicable to the facts of the present case and hence the services rendered by the petitioner as daily wager would have to be counted for computing the grant of pensionary benefits. Resultantly. The writ petition is allowed and a direction is issued to the respondents to grant all the pensionary benefits to direction is issued to the respondents to grant all the pensionary benefits to the petitioner treating his entire service w.e.f. 2.2.1987 to 30.11.2001, to be qualified for the purpose of grant of pensionary benefits. However, in the facts and circumstances of the present case, the petitioner is not entitled to any interest on the pensionary benefits which have been granted to the petitioner. The respondents shall pay the retiral benefits to the petitioner within a period of six months.

xxxxx”

Learned senior counsel appearing on behalf of the petitioner contends that however, vide order dated 07.02.2007, the respondents had



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been directed to treat the service rendered by the petitioner on Adhoc/daily-wages basis for computing the pensionary benefits and to release the pension within a period of 06 months. Notwithstanding the said specific direction, the benefits in question were released in part to the petitioner in the months of September-2019, November-2019 and July-2020, hence, there was delay by more than 12 year in release of the benefits. Consequently, the instant writ petition has been filed for seeking interest on such delayed release of the benefits.

Learned State counsel on the other hand refers to Para No.4 of the preliminary submissions of written statement filed on behalf of respondents No.1 to 3 to contend that the dues have been released by the respondents and that there has been no delay in release thereof. The preliminary submissions made by the respondents are extracted as under:-

“xxxxx

2. *That Late Ishwar Singh husband of The Petitioner/ Brahmo retired on 30/11/2001 as MCC (Mali-Cum-Chowkidar), so his regular service being less than 10 years, he was not granted any pension but D.C.R.G. (Gratuity) amount of Rs. 33,459/- as sanctioned by the Accountant General (A&E) Haryana, Chandigarh vide his No. PEN 8/1-1117/2001-2002/13456-57 dated 07/01/2002 was released/Paid on dated 21/01/2002. Sh. Ishwar Singh MCC expired on 26/09/2006. After passing of the order dated 07/02/2007, in CWP 361 of*



2002 the entire retiral benefits including DCRG had already been paid to the petitioner. The Pension w.e.f. 01/12/2001 to 26/09/2006 and Family Pension w.e.f. 27/09/2006 to 14/02/2022 has already been released to the family of the petitioner vide PPO No. 119253610253610 dated 27/08/2019-Annexure R2 for Rs. 645/-p.m. by the Principal Accountant General, (A&D) Haryana, Chandigarh.

3. *That prior to joining Public Health Department, Late Sh. Ishwar Sing MCC was in Police Department and as per Superintendent Police, Jind Letter No. 11027 dated 23/03/2009, he retired from Police Department on 27/11/1983 and he was paid Gratuity of Rs. 7,458.75/-, Commutation of Pension Rs. 13,453/- and was being paid pension at Rs. 222/- p.m. as per Accountant General, (A&D) Haryana, Chandigarh, P.P.O. No. 24528 HR.. Late Sh. Ishwar Singh MCC rendered the service of 20 years, 11months and 23 days as Constable in Police Department from 27/11/1962 to 27/11/1983 and in Public Health Department for 14 years, 9months & 27 days on regular and including daily wages. In this way he rendered total service of 35 years 9 months & 27 days.*
4. *That the Treasury Officer, Rohtak vide his letter no.*



1534 dated 09/12/2019- Annexure R3 sent to Executive Engineer, Division No.1, Rohtak has certified and intimated that payment of Family Pension in respect of late Ishwar Singh from 01/12/2001 to 20/09/2006 i.e. Life Time Arrears-LTA of Rs. 92,283/- has been paid on 22/11/2019 and the balance pension w.e.f. 27/09/2006 to 31/07/2019 amounting to Rs. 7,31,199/- and Rs, 3,60,580/-has also been paid on 16/09/2019 and 20/09/2019 respectively to Smt. Brahmo W/o Sh. Ishwar Singh. It has also been certified that since the month of August, 2019 the Family Pension is being paid to her continuously on regular basis. The Pensioner Payee Code detail has also been provided by the Treasury Officer, Rohtak alongwith his letter dated 09/12/2019. In this way, the payment of all the benefits required to be paid in the wake of order dated 07/02/2007 stood released and the said order has been complied with in letter and spirit.

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I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

Even though the respondents have given details of the benefits released to the petitioner, however, there is no specific explanation as to



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what was the reason for such inordinate delay of more than a decade in release of the pensionary benefits especially when this Court had directed the respondents to release the said benefits within a period of 06 months. The petitioner is accordingly held entitled to the interest @6% per annum on the delayed release of pensionary benefits. The department is accordingly is directed award interest @6% per annum from the date of expiry of 06 months of the order dated 07.02.2007 passed in CWP-361-2002 till its actual released.

Let the aforesaid amount be released to the petitioner within a period 03 months of receipt of certified copy of this Court, failing which the petitioner shall be entitled to claim an enhanced interest @8% per annum on the said amount.

Liberty is granted to the respondent-State to recover the enhanced costs towards interest from the official(s) found responsible for causing delay.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

07.03.2025

Mangal Singh

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