



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

CWP-10741-2018
Date of Decision: 19.12.2025

Indu Anand and Others

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Gurminder Singh, Senior Advocate with
Mr. Nitish Bansal, Advocate
for the petitioners.

Mr. Surya Kumar, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release family pension, gratuity, leave encashment and arrears along with interest @ 12% per annum.

2. The petitioner No.1 is wife of late Shri J.S. Anand who was 1968 Batch IPS Officer. Petitioners No.2 and 3 are children of aforesaid couple. Mr. J.S. Anand died in mysterious circumstances on 13.07.1983. The petitioners were implicated in FIR No.362 dated 22.07.1983 alleging that they have committed murder of Mr. J.S. Anand. CBI conducted inquiry and filed its report against petitioners No.1 & 2. They faced trial and came to be convicted by trial Court vide judgment dated 23.02.1996. They preferred CRA No.215-SB of 1996 before this Court which was allowed vide judgment dated 23.03.2017. This Court set aside judgment

of conviction and ordered to acquit petitioners honorably. CBI assailed judgment dated 23.03.2017 passed by this Court before Hon'ble Supreme Court. Special Leave to Appeal (Criminal) No.1148/2019 came to be dismissed vide order dated 29.11.2021.

3. Learned Senior counsel for the petitioners submit that respondent suspended family pension and other retiral dues of deceased employee on the ground that petitioners have been implicated for his murder. The judgment of acquittal passed by this Court exonerated them from all the charges. Matter remained pending before trial Court and this Court for 34 years. There was no fault on the part of petitioners. The respondent during the pendency of instant petition has released arrears of family pension as well as other dues, however, without interest. The petitioners are entitled to interest though there is no provision in the Service Rules. Interest is compensatory in nature and respondent is bound to pay the same.

4. *Per contra*, learned State counsel submits that petitioners were charged of offence of murder of Mr. J.S. Anand (deceased employee). As per sub-rule (11-C) of Rule 54 of Central Civil Services (Pension) Rules, 1972 (for short '1972 Rules') the petitioners were not entitled to family pension. The respondent released all the dues the moment Supreme Court dismissed SLP of CBI. There was no lapse on the part of the respondent, thus, interest was not payable.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. Family pension of the petitioners was suspended in view of sub-rule (11-C) of Rule 54 of 1972 Rules. Said Rule is reproduced as

below:

“(11-C) (a) If a person, who in the event of death of a Government servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the claim of such a person including other eligibles member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in Clause (a), the person concerned—

(i) is convicted for the murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the Government servant.

(ii) is acquired of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such a person from the date of death of the Government servant.

(c) The provision of Clause (a) and Clause (b) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement.”

7. From the perusal of above quoted Rule, it is evident that respondent was bound to suspend petitioners' family pension on account of their implication in the offence of murder of Government servant.

They were convicted by trial Court, thus, they were ineligible for family pension. They became eligible, the moment this Court set aside judgment of conviction and ordered to honorably acquit them.

8. There is no provision for interest in case of suspension of family pension in the circumstances contemplated under aforesaid Rule. It is true that interest is compensatory in nature and State is ordinarily liable to pay interest on the money which is withheld and utilized for other purposes. In the case in hand, the petitioners were implicated by CBI and found guilty by trial Court. They are finally and honourably acquitted by this Court. They became entitled to pension with arrears as soon as judgment of acquittal was passed. State was bound to release pension with arrears. There was no reason to withhold pension after judgment of acquittal. State is liable to pay interest from the date of judgment of acquittal passed by this Court till the date of actual payment. Accordingly, it is hereby held that respondent-State shall pay interest @ 7.5% per annum from 23.03.2017 to the date of payment.

9. Question now arises whether interest should be paid for the period prior to judgment of acquittal i.e. pendency of trial and appeal. State is not a private entity. State has to pay from public exchequer. Payment was delayed on account of pending trial and conviction by trial Court. There was no lapse on the part of State. The petitioners were convicted by trial Court which shows that it cannot be concluded that State was at fault for delay in payment. Interest of individual cannot override public interest. Any order to pay interest for the period trial remained pending or appeal against conviction remained pending would be against the public interest especially when State was not at fault. This

Court does not find it appropriate to grant interest for the said period. Accordingly, the petitioners’ claim for interest for the aforesaid period is declined.

10. The petition stands ***disposed of*** in above terms.

(JAGMOHAN BANSAL)
JUDGE

19.12.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No