2025:PHHC:117366

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

228 CWP-20492-2020
Date of Decision: **August 28, 2025**

Shashi Bala .....Petitioner

VERSUS

Chairman-cum-Managing Director and others ..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present *:* Mr. Karan Singla, Advocate for the petitioner.

Mr. Tarun Vir Singh Lehal, Advocate for the respondents-PSPCL (through v.c.).

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India with a prayer for quashing the impugned order dated 24.04.2020 (Annexure P-2) whereby the provisional family pension of the petitioner has been wrongly calculated @ Rs.4008/-, as against the instructions dated 23.12.2011 (Annexure P-1), the petitioner is entitled for pension @ Rs.16700/- pm and further directing the respondents to release regular family pension and after re-fixing the same be released to petitioner @ Rs.16700/- pm w.e.f. 2.12.2018 and disburse the arrears along with interest and further for issuance of a writ in the nature of mandamus for granting the family pension accorded to the petitioner on account of the service of the late husband of the petitioner with the respondents and to release all the pending retiral benefits like gratuity, leave encashment, solatium etc of the late husband of petitioner w.e.f. the date of death of later Sh. Varinder Kumar along with interest @ 18% per annum .

2. Learned counsel for the petitioner inter alia submits that the husband of the petitioner died in harness on 2.12.2018. The family pension has to be calculated in terms of Rule 6.17A Vol II of the Punjab Civil Services Rules and also in terms of instructions issued by the State of Punjab dated 23.12.2011. Further the retiral dues were not released immediately after the death of husband of the petitioner. The respondent-Corporation after the expiry of almost 1 ½ years on 24.04.2020 fix the family pension w.e.f. 03.12.2018. The pension was not fixed in terms of the instructions dated 23.12.2011 (Annexure P-1). Further, the petitioner has approached this Court by filing the present writ petition and during the pendency of the present petition on 13.03.2021 the family pension was revised vide Annexure R-3. As such, during the pendency of the present petition the recovery of Rs.56,033/- has been made.

3. Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the settled law of Hon'ble Supreme Court in the case of "*State of Punjab Versus Rafiq Masih 2015(4) SCC Page 334'* and '*Syed Abdul Qadir Versus State of Bihar and others' 2009(1) SCT 611*. Learned counsel for the petitioner further submits that the petitioner is entitled to the interest on recovered amount in terms of 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*** wherein it was opined that disbursement of pension and other benefits payable at retirement must be done in a timely manner. Any delay over a period of two months, qua the

said disbursement would entitle the retired employee to claim interest on the amount due. Speaking through Justice N.K. Sodhi, the following was held:

> *"9. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retirer in proper time.* ***As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement*** *which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%."(emphasis added)*

Reliance in this regard may also be placed on the judgments rendered by the Hon'ble Supreme Court in ***S.K. Dua vs. State of Haryana (2008) 3 SCC 44*** and ***State of Kerala vs. M. Padmanabhan Nair (1985) 1 SCC 429.***

4. Learned counsel for the respondent did not controvert upon the judgments relied by the learned counsel for the petitioner, however, submits that the grievance of the petitioner with regard to fixing of the pension in terms of instructions dated 23.12.2011 (Annexure P-1) has been redressed.

5. I have heard the learned counsel for the petitioner as well as the respondent and gone through the case file.

6. In view of the facts and circumstances of the present case, the present writ petition is disposed of with a direction to the respondents to calculate the interest amount on account of delay towards retiral dues from

the date of entitlement of the petitioner till the actual payment is made in terms of the judgment ***A.S. Randhawa and S.K. Dua (supra)*** within a period of three months @ 7.5% interest per annum and in view of the judgment passed by Hon'ble Supreme Court in *State of Punjab Versus Rafiq Masih 2015(4) SCC Page 334*, the respondent/concerned authority is directed to release the amount already recovered from the petitioner.

7. Disposed of, accordingly, so also the pending miscellaneous application(s), if any.

(HARPREET SINGH BRAR)
JUDGE

August 28, 2025
P.C Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No