



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

224+103

CWP-22027-2023 (O&M)
Date of decision : 09.12.2025

Balwinder Kaur

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gurbinder Singh, Advocate for the petitioner.

Mr. Swapan Shorey, D.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)**CM-9909-CWP-2025**

Prayer in the instant application filed under Section 151 of Code of Civil Procedure, 1908 is for placing on record replication filed by the petitioner to the short reply filed on behalf of respondents No.1 to 3.

Allowed as prayed for.

CWP-22027-2023

1. The petitioner has filed the instant writ petition under Articles 226 and 227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to determine and release retiral benefits of husband of the petitioner as under :-

- (i) Pension w.e.f. 01.04.2022 to 26.09.2022 to the late husband of the petitioner.
- (ii) Family pension payable to the petitioner w.e.f. 27.09.2022.



- (iii) Death-cum-retirement gratuity.
- (iv) Leave encashment.
- (v) Penal interest @ 12% per annum on the delayed payment of General Provident Fund of Rs.29,67,343/- for seven months w.e.f. 01.04.2022 to 31.10.2022.
- (vi) Penal interest @ 12% per annum on the delayed payment of Group Insurance Scheme benefit of Rs.25,400/- for one year and two months i.e. w.e.f. 01.04.2022 to 31.05.2023.
- (vii) Arrears of Assured Career Progression Scheme for 14 years.

2. Brief facts of the case, as have been pleaded in the petition, are that the husband of the petitioner, namely Sh. Damandeep Singh joined as Legal Assistant in the office of respondent No.2 on 24.12.2001 and after serving the respondent-department for about 22 years, he took voluntary retirement from the post of Legal Assistant on 31.03.2022, however, his retiral benefits were not released in time. Thereafter, he unfortunately died on 26.09.2022. After the death of her husband, the petitioner visited the office of respondent No.2 number of times and requested for releasing the retiral/terminal benefits of her husband but to no effect. Thereafter, the petitioner made representations dated 20.10.2022 & 17.04.2023 (Annexure P-2 & P-3) and got issued a Justice Demand Notice dated 05.08.2023 (Annexure P-4) through her counsel to the respondents for releasing the retiral dues of her husband along with interest on the delayed payment of retiral dues but no action was taken on the same. Hence, the instant petition.



CWP-22027-2023 (O&M)

3

3. Reply by way of an affidavit of Sh. Amit Kumar, IAS, Director, Rural Development and Panchayats, Punjab on behalf of respondents No.1 to 3 has been filed, wherein it has been stated as under :-

“1. That the petitioner has filed above petition to determine and release retiral benefits of the husband of the petitioner who retired on 31.03.2022 and expired on 26.09.2022 as such the petitioner is entitled to pension w.e.f 01.04.2022 to 26.09.2022 and family pension w.e.f from 27.09.2022.

2. That the payment of General Provident Fund has been sanctioned to petitioner vide order dated 29.08.2022.

3. That the payment of Leave Encasement of Rs.8,56,064/- has also sanctioned vide order dated 19.02.2024.

4. That the payment of GIS amounting to Rs.25,400/- has also sanctioned vide order dated 05.04.2023.

5. That the Pension/Family Pension case of the petitioner was sent to Accountant General, Punjab vide letter dated 22.06.2023. After receiving and completing all the formalities, the Accountant General Punjab has sanctioned the Pension/Family Pension case of the petitioner vide PPO No.1123046219 alongwith with the sanction of DCRG vide order dated 26.10.2023.

6. That the above payments have been sanctioned after completing all the formalities and official procedure as such the delay is only to complete formalities and office procedure. Therefore the petitioner is not entitled to any interest as demanded.”

4. Separate reply by way of an affidavit of Sh. Shish Ram, Deputy Accountant General (Pension), on behalf of respondent No.4,



has been filed, wherein it has been stated as under :-

“xx xx xx xx xx

2. *That the office of Answering Respondent comes under the office of Comptroller & Auditor General of India and only authorizes Pensionary benefits to the retired/deceased Government employees of Puniab State on receipt of pension/Family pension cases complete in all respect and duly recommended and sanctioned by the Concerned Pension Sanctioning Authority of the petitioner. After authorization of pension/family pension, if found in order, the authorities of pensionary benefits i.e., PPO/GPO/CPO are forwarded to concerned Pension Disbursing Authorities i.e., District Treasury Officer/Bank for making payment to pension/family pension*

3. *That the Pension Sanctioning Authority of the husband of the petitioner i.e., respondent No. 3 submitted the incomplete pension case vide letter No. 2372 dated 22.06.2023 and the office of answering respondent has returned the same with some observation vide letter No. Pen.01/CH-2/PE/10/23/60619935/1023547131/80587600 dated 31.08.2023. After complying with the observation raised by office of answering respondent, the Pension Sanctioning Authority of the husband of the petitioner i.e., respondent No. 3 submitted the complete pension case vide letter No.3444 dated 25.09.2023 and the office of answering respondent has finalized/authorized the pensionary benefits by way of issued e-PPO intimation No. Pen01/Intimation/ 23-24/PE/23/10/80591851 dated 26.10.2023 without any delay. (Copy appended as Annexure R-4/1). The authorities of pensionary benefits i.e. pension payment order and gratuity payment order has been sent to district treasury officer, Patiala for*



disbursement of arrear of pension and family pension and gratuity to the petitioner.”

5. Learned counsel for the petitioner submits that although, during the pendency of the instant petition, all the retiral dues have been released to the petitioner, however, the same have been released after a considerable delay. He further submits that the G.P.F. amount of Rs.29,54,887/- has been paid to the petitioner on 29.09.2022; Leave Encashment amount of Rs.8,56,064/- has been paid on 01.07.2024; G.I.S. amount of Rs.25,400/- has been paid on 28.06.2023; Death-cum-Retirement Gratuity amount of Rs.10,96,832/- has been paid on 01.07.2024 and Pension amount of Rs.2,63,253/- (w.e.f. 01.04.2022 to 26.09.2022) has been paid on 01.02.2024. Therefore, the petitioner is entitled for interest on the delayed payment of retiral dues.

6. Learned State counsel, while referring to the averments made in the separate replies filed on behalf of the respondents No.1 to 3 and 4, submits that the delay occurred in releasing the retiral benefits of the husband of the petitioner is entirely procedural and not intentional. Therefore, the petitioner is not entitled for any interest.

7. I have heard learned State counsel and have gone through the relevant documents.

8. Admittedly, the husband of the petitioner stood voluntary retired from service on 31.03.2022 and no departmental/criminal proceedings were pending against him before or after his retirement, therefore, he was entitled for the release of his retiral benefits immediately after his retirement. The husband of the petitioner unfortunately died on 26.09.2022 and even after his death, his retiral



benefits were not released in time. Since there is a considerable delay in releasing the retiral benefits of the husband of the petitioner, therefore, the petitioner cannot be denied the benefit of interest on the delayed payment of retiral dues as per settled principles of law.

9. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of the said judgment is as under:-

“8. 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 retiree 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. xx xx xx xx”

10. Apart from this, in ***J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355***, this Court had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of the said judgment is as under: -

“5. xx xx xx xx The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of



money. If the user is compounded by any negligence on the part of the person with whom the money is laying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

11. In view of the above factual position and settled principles of law, the present petition is disposed of with a direction to the respondents to pay interest @ 7% per annum on the delayed payment of retiral benefits, to the petitioner w.e.f. 01.07.2022 (i.e. after three months of retirement of the husband of the petitioner) till the actual date of payments, within a period of 02 months from the date of receipt of certified copy of this order.

09.12.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No