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

CWP-26024-2022 (O&M)

Date of decision: 04.12.2025

KAMLESH KUMARI

... Petitioner

Vs.

PUNJAB STATE POWER CORPORTION AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.K. Garg, Advocate
for the petitioner.

Mr. Vikas Sonak AAG, Punjab.

Mr. Anmol Puri, Advocate for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to grant and release full family pension alongwith the other remaining retiral/consequential benefits etc. and release the pending provisional pension from July 2021 to January 2022 alongwith arrears and interest amount on delayed payment of ex-gratia benefit, GPF etc.

2. Learned counsel for the petitioner *inter alia* contends that the husband of the petitioner joined the respondent-corporation on 14.06.1999 and was working as Junior Engineer at the time of his death. After the death of the husband of the petitioner, provisional pension was released, as discernible from the Provisional Pension Order dated 16.02.2021 (Annexure P-1). However,



respondent-authority has not released full family pension and other benefits i.e. leave encashment, death-cum-retirement gratuity from the date of death of husband of the petitioner i.e. 24.07.2020. Petitioner made multiple representations and also served a legal notice on 08.08.2022 (Annexure P-2). Thereafter, the respondents released the ex-gratia benefits amounting to Rs.1,00,000/-, GPF amount of Rs.19,69,754/- and provisional family pension to the petitioner after much delay. As such, the petitioner is also entitled to interest for the delayed period in terms of the Full Bench judgment of this Court in “**A.S. Randhawa vs. State of Punjab and others**”,1997 (3) SCT 468. Further, till date, full family pension, benefits of leave encashment and death-cum-retirement gratuity have not been paid, in spite of the fact that at the time of death of husband of the petitioner, there was no pending proceedings against him. Reliance in this regard has been placed upon a judgment of the Hon’ble Apex Court in **Union of India and others Vs. KV Jankiraman, (119) 4 SCC 109**.

3. *Per contra*, learned counsel for the respondents submit that there was a shortage of amount of Rs.49,93,829/- after checking the account of the husband of the petitioner and on this account, 30% of provisional pension was paid to the petitioner. However, learned counsel for the respondent-corporation is unable to cite any applicable regulations which empower the respondent-corporation to withheld the admissible dues in view of the Committee’s report dated 07.09.2021. Further, in the written statement dated 20.05.2024 filed on behalf of respondents No.1 to 4, it is stated that the previous Division i.e. Sub Urban Kapurthala has informed on 25.03.2021 that some material taken by the



husband of the petitioner has not been deposited.

4. Heard the learned counsel for the parties and after perusing the paper-book, it transpires that the husband of the petitioner during service, prior to his death, was neither served any show cause notice nor any charge-sheet. Further, at the time of his death, there was no pending criminal case against him. As such, in the absence of any statutory mandate, the act and conduct of the respondent-corporation in withholding the admissible dues on the ground of recommendation of the Committee's report is not sustainable in the eye of law.

5. Further, it is not disputed that some of the amount on account of ex-gratia i.e. Rs.1,00,000/- was paid on 23.09.2020 and GPF amount of Rs.19,69,754/- was released on 18.02.2021 and provisional family pension was released on 16.02.2021 beyond the due date, for which also, the petitioner is entitled to interest.

6. In view of the facts and circumstances of the case, the present petition is allowed and the respondents are directed to release the admissible dues alongwith interest @ 6% per annum to be calculated from two months of the death of the petitioner till the date of its actual realisation in terms of **A.S. Randhawa's case (supra)** within a period of four months from the date of receipt of certified copy of this order.

[HARPREET SINGH BRAR]
JUDGE

04.12.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No