



CWP-28779-2022 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112+290

CM-2182-CWP-2025 in/&
CWP-28779-2022
Date of Decision :07.04.2025

Balwinder Kaur

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-2182-CWP-2025

As prayed for, application is allowed.

Reply filed on behalf of respondents No.1 to 3 along with
Annexures R-1 and R-2 are taken on record.

CWP-28779-2022

1. In the present petition, the grievance being raised by the petitioner is that the husband of the petitioner was in the employment of respondents and had retired from service on 30.06.2001 and unfortunately died on 07.11.2020 but despite the revision of pay scale w.e.f. 01.01.2006, the benefit of revised pension and revised family pension has not been granted, which is causing prejudice to her.

2. Learned counsel for the petitioner further submits that during



CWP-28779-2022 (O&M) -2-

the pendency of the present petition, the pension and the consequential family pension has been revised and the arrears have also been granted to the petitioner but the interest on the arrears admissible to the petitioner has not been granted, which is causing prejudice to the petitioner as of now.

3. Learned counsel for the respondents submits that petitioner could have raised the grievance at the relevant time and as the petitioner has raised the grievance by filing the present petition, the claim of benefit of interest on the arrears admissible upon the revision of the family pension, be declined.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As a model employer, it is the duty of the State to grant the benefits which is admissible to the employees as well as to the pensioner/family pensioner keeping in view the various rules, regulations and the revision of pay scales given. It is a conceded position that husband of the petitioner was entitled for the revision of the pension upon revision of pay scale w.e.f. 01.01.2006, which benefit was not granted to him, which also reflected in the non-grant of the entitled family pension to the petitioner. Though, after the filing of the present petition, benefit of revised pension as well as revised family pension has been extended to the petitioner along with arrears but the only grievance which survives as of now is whether the petitioner is entitled for the grant of benefit of interest on the said arrears.

6. A Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, has held that where an amount



CWP-28779-2022 (O&M) -3-

belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of ***J.S. Cheema's case (supra)*** is as under: -

“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 lying 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.

7. In the present case, the amount which has been given to the petitioner as arrears of pension and family pension should have been released to the husband of the petitioner as well as to the petitioner starting from 2006 onwards, which has been retained and used by the department to their benefit hence, on the arrears, the petitioner is also held entitled for the grant of benefit of interest @ 6% per annum from the date the amount became due till the actual payment of the same.

8. Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

9. Present petition is allowed in above terms.

April 07, 2025
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No