



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

114

CWP-30347-2024

Date of decision: 18.02.2025

Sunita

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. NPS Mann, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

Mr. Karmander Singh and Mr. P.S. Walia, Advocates
for respondent Nos.5 and 6.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is to grant the pensionary benefits to the petitioner.
2. The husband of the petitioner late Sh. Chander Pal was working as Samiti Clerk with respondent No.5 and unfortunately passed away while in service on 29.10.2022, though, he was to retire on 30.06.2027. However, the petitioner had completed all necessary formalities and after making representations, respondent No.2 had granted approval/sanction for release of gratuity of Rs.6,09,675/- on 09.04.2024 and arrears of family pension on 17.12.2024, but still the amount was not released, thus the present petition filed.
3. Learned counsel appearing for respondent Nos.5 and 6 states that all the entire payments have been released, details whereof have been given in para 2 of the reply dated 23.01.2025, as per which the CPF amounting was paid on 07.02.2023, ex-gratia on 17.11.2023, leave encashment on 17.11.2023, gratuity on 30.10.2024, revised arrears of leave encashment on 30.11.2024 and revised gratuity on 20.11.2024, regarding which delay there is



neither any justification much less plausible in the reply filed nor the learned counsel for the respondents, despite best efforts were able to offer any during the course of arguments.

4. Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair**, (1985) 1 SCC 429 held that, "Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

5. Full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468 held that an employee would be entitled to be compensated by granting interest by the State on account of delayed disbursal of retiral benefits. In **Vijay L. Mehrotra vs. State of UP**, 2001 (9) SCC 687, it was ruled that in case there is no justification or reason for delayed payment of retiral benefits, interest would be liable to be paid, while this Court in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, observed that, the interest has to be given to an employee where an amount belonging to him, was retained and utilized by the respondents, has been released on a later date.

6. The delay in releasing the pensionary benefits, a treasured right, entitles the petitioner to interest thereon, having been deprived of the amount with which, the respondents unjustly enriched themselves, which is by way of compensation and not penalty.

7. In view of the above, the present petition stands disposed of by directing the respondents to pay the interest to the petitioner at the rate of 6% per annum on the pensionary benefits from the date it was due till realisation.



Needful be done within a period of four months. However, if any other claim is subsisting, liberty is granted to approach the respondents by filing a detailed representation, in case the same is submitted within 4 weeks, it shall be decided within a period of 4 months.

(AMAN CHAUDHARY)
JUDGE

18.02.2025
Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No