

2026:PHHC:073965



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1420-2026 (O&M)
Date of decision: 12.05.2026

Brijesh

... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Prince Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 03.12.2024 (Annexure P-9) and further to issue a writ in the nature of *mandamus* directing the respondents to grant commutation of pension and interest on delayed release of retiral dues including payment of gratuity and arrears of pension along with all the consequential benefits.



2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is widow of late Sh. Mohinder Singh, who was serving as Junior Engineer (Electrical) in the respondent-Corporation and retired on 31.05.2020 and before his retirement, he submitted complete pension papers including papers for commutation of pension on 27.05.2020, as discernible from office order dated 15.05.2020 and letter/memo dated 27.05.2020 (Annexures P-1 & P-2). However, the pension papers were returned to respondent No.5 vide letter dated 28.05.2020 (Annexure P-3), but this fact was never communicated to late husband of the petitioner. Thereafter, he died on 15.06.2020. After making due efforts and several visits to the offices of respondent-Corporation, family pension in favour of the petitioner was started from 30.08.2022 i.e. after a delay of more than 02 years and 02 months and arrears thereof from 01.06.2020 to 30.08.2022 were released in the month of October, 2023, after a time lag of more than 03 years and 04 months, but commutation of pension was not released. As such, the petitioner is also entitled to the interest on the delayed payment of retiral dues.

3. It is further submitted that the information supplied by the respondent-Corporation in response to the application dated 21.11.2023 submitted by the petitioner, under Right to Information Act, 2005 (for short 'RTI Act, 2005'), vide reply dated 13.02.2024 (Annexure P-6) reveals that commutation of pension was not admissible to the petitioner. Thereafter, the petitioner served a legal notice dated 27.03.2024 (Annexure P-7) upon the respondents and when no action was taken thereon, she approached this Court by way of filing CWP-11445-2024, which was disposed of vide order dated



16.05.2024 (Annexure P-8) with a direction to consider and decide the aforesaid legal notice. In purported compliance, respondent No.4 passed the impugned order dated 03.12.2024 (Annexure P-9), whereby rejecting the claim for commutation of pension on the ground of non-submission of requisite documents by late husband of the petitioner within the stipulated time. On 06.05.2025, the petitioner again sought information under RTI Act, 2005 (Annexure P-10) and vide replies dated 26.05.2025 and 08.08.2025 (Annexure P-11), it came to her knowledge that the pension papers were received in the office(s) of the respondents, but never communicated to her late husband.

4. In support of the aforesaid contentions, learned counsel for the petitioner relies upon the judgment passed by a Coordinate Bench of this Court in **CWP-1662-2020** titled as ***Suman Vs. State of Haryana and others***, decided on 08.04.2024, wherein it has been held that in case the pension papers are submitted by the employee before his/her retirement and he/she dies before grant of actual commutation of pension, same has to be released in favour of legal heirs. As such, case of the petitioner is squarely covered by the aforesaid judgment.

5. *Per contra*, learned counsel for the respondents-Corporation submits that admittedly, late husband of the petitioner retired from service on 31.05.2020 and he died on 15.06.2020. The family pension and other benefits along with interest were released in favour of the petitioner. Further, the petitioner remained indolent and approached this Court in the year 2024 by filing CWP-11445-2024. As such, claim raised by the petitioner in the present petition suffers from delay



and laches.

6. Learned counsel for the respondents-Corporation has taken a specific stand that during his lifetime, after his retirement, late husband of the petitioner had not submitted the pension papers on the requisite format, which are mandatorily required under Rule 95 read with Rule 100 of the Haryana Civil Services (Pension) Rules, 2016 and submits that after death of a retiree, commutation of pension is not permissible.

7. Having heard learned counsel for the parties and after perusing the record of the case file with their able assistance, it transpires that husband of the petitioner, who retired on 31.05.2020, died on 15.06.2020 and she received all his retiral dues, including family pension in the month of October, 2023, as per her own pleadings. Further, reliance of the petitioner on the judgment rendered by a Coordinate Bench of this Court in *Suman*'s case (*supra*) does not support her case, as in its para No.7, it has categorically been observed that if the pension papers are filled up by a employee after the retirement and the same are complete in all respect, even if he/she dies before grant of actual commutation of pension, his/her legal heir(s) would be entitled to the said benefit. In the present case, late husband of the petitioner, while submitting the pension papers, never opted for commutation of pension in the prescribed form i.e. Form PEN-2. As such, the petitioner is not entitled to the said benefit.

8. The petitioner has raised disputed question of fact as to whether the pension papers, complete in all respects, submitted by an employee before his/her retirement/death, if his/her legal heirs are entitled to the retiral benefits. This



Court cannot delve into the same while exercising the powers under Article 226 of the Constitution of India.

9. In view of the above discussion, present petition is disposed of.

10. As far as entitlement of the petitioner to interest is concerned, the respondents-Corporation are directed to supply a calculation sheet to the petitioner within a period of four weeks regarding admissible dues to her and interest paid thereon. In case the interest on account of delay in releasing the retiral dues is not paid, the petitioner would be entitled to same @6% *per annum*, to be computed after two months of retirement of her late husband i.e. 31.05.2020, in terms of judgment rendered by the Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) Vs. State of Punjab, 1998 (1) SCT 34*** till the date of actual payment. The needful be done within a period of three months from the date of receipt of certified copy of this order.

11. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

12.05.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No