



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

CWP-1982-2024

Date of decision: 14.01.2026

KAMLESH DEVI

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ishan Gupta, Advocate with
 Ms. Muskan Gupta, Advocate and
 Ms. Vrinda Katoch, Advocate
 for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Rehatbir Singh Mann, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J (Oral):

The instant writ petition under Article 226/227 of the Constitution of India for issuance of appropriate writ in the nature of Mandamus directing the respondents to grant/release complete service benefits and dues as admitted by the respondents in Speaking order dated 09.11.2021 (Annexure P-2) for the service rendered by the husband of the petitioner with the respondent Nagar Council, to the petitioner (including gratuity, dearness allowance GPF/PF, leave encashment, medical allowance etc. and arrears of increment and other arrears) along with interest @ 18 % p.a. for delay in the payment of above mentioned service benefits till its realization, in view of judgment passed by full bench judgment of this Court in case of “**A.S. Randhawa Vs. State of Punjab and others**” cited



as 1997(3) SCT 468 and further for issuance writ in the nature of Mandamus for issuance of directions to the respondents to decided the claim of the petitioners/legal notice dated 24.11.2023 (Annexure P-3).

2. Learned counsel for the petitioners *inter alia* contends that the husband of the petitioner died in harness on 16.08.2017. The admissible service benefits including gratuity, dearness allowance GPF/PF, leave encashment, medical allowance etc. were not paid by respondent. The petitioner had earlier approached this Court seeking release of admissible retries dues and the petition was disposed of by this Court with the direction to respondents to pass speaking order. In purported compliance thereof, a speaking order dated 09.11.2021 was passed, whereby the claim of the petitioner was admitted with an undertaking to release the retrial dues in the installments. However, the respondent defaulted in making the payment as assured in the speaking order dated 09.11.2021. The remaining amount of Rs.7,73,448/- was still due, which has now been cleared during the pendency of the present petition. However, no interest has been paid to the petitioner on account of delay in releasing the retrial dues and she is entitled to interest in terms of the judgement of the Full Bench of this Court in “**A.S. Randhawa’s case (supra)**”.

3. Learned counsel for respondent No.3 is not in a position to controvert the fact that the husband of the petitioner had died on 16.08.2017 and that at the time of his death there was no departmental or criminal proceedings pending against him and delay has occurred in releasing the retrial dues.

4. I have heard learned counsel for the parties and perused the



record with their able assistance. It transpires that the husband of the petitioner died on 16.08.2017 and the retrial dues were released in installments by respondent No.3 which entitles the petitioner to interest in terms of judgment rendered by the Full Bench of this Court in “**A.S. Randhawa’s case (supra)**).

5. In view of the above, the present petition is disposed of with a direction to the respondent No.1 to ensure the payment of interest within a period of three months. The interest shall be calculated after expiry of two months from the death of the husband of the petitioner till date of actual realization of the payment @ 6 % per annum. In case, the respondents deviate from the direction issued by this Court and further commit default in payment of the interest, the petitioner would be at liberty to file an appropriate application under Article 215 of the Constitution of India for initiating contempt proceedings against the respondents. A copy of this order be supplied to learned State counsel for information and compliance.

(HARPREET SINGH BRAR)
JUDGE

14.01.2026
monika

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| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |