



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

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CWP-2082-2024

Date of decision : 06.04.2026

Hari Krishan

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Swapan Shorey, D.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents to release the arrears of gratuity and GIS medical reimbursement bills and further, revise the pension and release the arrears along with interest.

2. Brief facts of the case, as have been pleaded in the petition, are that the wife of the petitioner, namely Smt. Subhadra Devi, joined the respondent-department in the year 1997 and unfortunately died in harness on 15.05.2021. At the time of her death, she was working as Supervisor and posted in the office of respondent No.3. After her death, the petitioner, being nominee, applied for terminal benefits of his deceased-wife. Though, the payments of leave encashment and pension have been made to the petitioner but the arrears of gratuity, G.I.S. and medical reimbursement bills amounting to the tune of Rs.2,75,000/-

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have not been released to him. The petitioner had given number of representations to the respondent-department but to no avail. Thereafter, the petitioner served legal notice dated 19.08.2023 (Annexure P-1) to the respondents for redressal of his grievances but no action was taken on the same. Hence, the instant petition.

3. Learned counsel for the petitioner submits that the wife of the petitioner, unfortunately died in harness on 15.05.2021, however, the leave encashment amount has been paid to the petitioner on 29.11.2021, GIS amount has been paid on 10.07.2024 and gratuity amount has been paid on 10.03.2025. He further submits that since there is a considerable delay in releasing the said benefits, therefore, the petitioner is entitled for interest on the delayed payment of the said benefits.

4. Per contra, learned State counsel, while referring to the averments made in the written statement filed on behalf of respondents No.1 to 3, submits that all the death-cum-retiral benefits of the deceased-wife of the petitioner have been released to the petitioner and nothing is remained to be paid. Even the amount of Rs.1,53,131/- towards medical reimbursement has been deposited in the bank account of the petitioner, vide voucher No.219 dated 30.03.2025. He further submits that the delay in releasing the said benefits is not intentional and purely procedural. Therefore, the petitioner is not entitled for any interest.

5. I have heard learned counsel for the parties and have gone through the relevant documents.

6. Admittedly, the wife of the petitioner, namely Smt.

Subhadra Devi, unfortunately expired on 15.05.2021, while she was in



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service. After her death her death-cum-retiral benefits were required to be released to her husband (the petitioner) within reasonable time, whereas leave encashment amount has been paid to the petitioner on 29.11.2021, GIS amount has been paid on 10.07.2024 and gratuity amount has been paid on 10.03.2025. In view of the considerable delay in releasing the benefits of leave encashment, gratuity and GIS, the petitioner cannot be denied the benefit of interest on the delayed payments of the said benefits.

7. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of the said judgment is as under:-

“8. Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement. xx xx xx xx”

8. Apart from this, in ***J.S. Cheema Vs. State of Haryana and others : 2014(13) RCR (Civil) 355***, this Court has held that an employee will be entitled for the interest on an amount which has been retained by



the respondents without any valid justification. The relevant paragraph of the said judgment is as under: -

“5. xx xx xx xx 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 laying 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.”

9. In view of the above factual position and settled principles of law, the present petition is disposed of with a direction to the respondents to pay interest @ 7% per annum on the delayed payments of leave encashment, gratuity and GIS w.e.f. 16.08.2021 (i.e. after three months from the date of death of wife of the petitioner) till the actual date of payment(s), within a period of 03 months from the date of receipt of certified copy of this order.

06.04.2026	(NAMIT KUMAR)
<i>kothiyal</i>	JUDGE
Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No