



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

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CWP-3898-2022

Date of decision : 17.03.2026

Satinder Pal Kaur

.....Petitioner

V/S

State of Punjab and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Vijay Kumar Chaudhary, Advocate with  
Mr. Salil Kumar, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

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**NAMIT KUMAR, J. (ORAL)**

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the impugned reply dated 08.11.2021 (Annexure P-8) to the legal notice of the petitioner, whereby the respondent-authorities expressed their inability to release the retiral benefits i.e. family pension and death-cum-retirement gratuity of the deceased-husband of the petitioner on the ground of non-issuance of No Objection Certificate by the Vigilance Department due to pendency of criminal case against the deceased-husband of the petitioner. Further, seeking issuance of a writ of mandamus, directing the respondents to release the death-cum-retiral benefits of the deceased-husband of the petitioner along with interest @ 24% per annum w.e.f. 18.11.2016.

2. Brief facts of the case, as have been pleaded in the petition, are that the petitioner's husband, namely late Mani Singh, joined the

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respondent-department as Clerk on 06.01.1997. During service, he was promoted as Assistant and thereafter as Senior Assistant on 21.01.2009. While he was in service, FIR No.06 dated 29.05.2015 under Sections 13(1)D read with Section 13(2) of Prevention of Corruption Act, 1988 and Sections 409, 420, 467, 468, 471 & 120B of Indian Penal Code, 1860 was registered against him and two other employees namely Davinder Singh, Superintendent and Jatinder Kaur, Junior Assistant/Record Keeper at Police Station Vigilance Bureau FS-1, District SAS Nagar (Mohali). Consequently, the husband of the petitioner was suspended from service, vide order dated 08.12.2015. During suspension, he unfortunately died on 18.11.2016. Thereafter, the petitioner submitted an application dated 13.12.2016 (Annexure P-2/T) to respondent No.3-Controller of Stores, Punjab, Chandigarh to prepare her family pension case. After the death of the petitioner's husband, the office of respondent No.2-Director of Industries and Commerce, Punjab, vide order dated 17.04.2017 issued on 18.04.2017 (Annexure P-1/T), treated his suspension period from 08.12.2015 to 18.11.2016 as duty period for all intents and purposes. Thereafter, vide letter dated 11.06.2018 (Annexure P-3), respondent No.3 forwarded the petitioner's case for grant of family pension to the office of the Accountant General, Punjab, for sanction. However, the office of the Accountant General, Punjab raised certain objections and returned the case to respondent No.3, vide letter dated 13.07.2018 (Annexure P-4). Thereafter, the office of respondent No.3, after getting information from Vigilance Bureau, F.S.-1, Punjab, S.A.S. Nagar (Mohali), vide letter dated 08.06.2020

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(Annexure P-5/T), informed the petitioner that since challan has been presented in the Trial Court on 05.02.2019 against the husband of the petitioner and two other accused and now, the case is under trial, therefore, No Objection Certificate cannot be issued by the Vigilance Department and the petitioner may approach the Court for taking any financial benefits. It has further been stated that after the death of the petitioner's husband, amounts of leave encashment, G.P.F. and G.I.S. were released to the petitioner, however, family pension and death-cum-retirement gratuity have not been released. Thereafter, the petitioner served a legal notice dated 22.09.2021 (Annexure P-7) upon the respondents to make the payments of the remaining benefits i.e. family pension and death-cum-retirement gratuity, along with interest @ 18% per annum. In response to the said legal notice, respondent No.3 sent the impugned reply dated 08.11.2021 (Annexure P-8) to the petitioner, stating therein that the payment of retiral benefits i.e. family pension and death-cum-retirement gratuity could not be released to the petitioner on account of non-issuance of No Objection Certificate by the Vigilance Department due to pendency of vigilance enquiry against the husband of the petitioner. Hence, the instant petition.

3. Learned counsel for the petitioner submits that although, during the pendency of the present petition, all the death-cum-retiral benefits of the deceased-husband of the petitioner have been released by the respondent-department, however, there is a considerable delay in releasing the same, therefore, the petitioner is entitled for interest on the delayed payment of death-cum-retiral benefits of her deceased-husband.



He further submits that the death-cum-retiral benefits of the husband of the petitioner were released in the following manner :-

| Sr. No. | Particulars                        | Amount (in Rs.)     | Date of Payment |
|---------|------------------------------------|---------------------|-----------------|
| 1.      | Leave Encashment                   | 94,225/-            | 13.04.2018      |
| 2.      | G.P.F.                             | 11,17,956/-         | 27.04.2018      |
| 3.      | G.I.S.                             | 60,000/-            | 20.06.2017      |
| 4.      | Family Pension (w.e.f. 19.11.2016) | 9,815/- (per month) | 25.05.2022      |
| 5.      | DCRG                               | 8,83,360/-          | 25.05.2022      |

4. Per contra, learned State counsel, while referring to the averments made in the replies filed by the respondents, submits that since during the pendency of the instant petition all the death-cum-retiral benefits have been released to the petitioner, therefore, the instant petition has been rendered infructuous. He further submits that the delay occurred in releasing the said benefits is entirely procedural and not intentional as at the time of death of petitioner’s husband, a criminal case was pending against him. In the said case, a challan had already been presented before the Trial Court by the Vigilance Bureau, and on account of the pendency of the said proceedings, No Objection Certificate could not be issued by the Vigilance Department. 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, during service period of the husband of the petitioner, a case FIR No.06 dated 29.05.2015 under Sections 13(1)D read with Section 13(2) of Prevention of Corruption Act, 1988 and



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Sections 409, 420, 467, 468, 471 & 120B of Indian Penal Code, 1860 at Police Station Vigilance Bureau FS-1, District S.A.S. Nagar (Mohali) was registered against him and two other employees. Consequently, the husband of the petitioner was suspended, vide order dated 08.12.2015. During suspension, he unfortunately died on 18.11.2016. After his death, the office of respondent No.2, vide order dated 17.04.2017 issued on 18.04.2017 (Annexure P-1/T), treated his suspension period as duty period for all intents and purposes.

7. Once the suspension period of the petitioner's husband had been treated as duty period, there remained no justification for withholding or delaying the release of his death-cum-retiral benefits, which ought to have been disbursed promptly. In view of the considerable delay in releasing the death-cum-retiral benefits of the petitioner's husband, the petitioner cannot be denied the benefit of interest on the delayed payment of the said benefits.

8. 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”*

9. 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.”*

10. 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 @ 6% per annum on the delayed payments of death-cum-retiral benefits of the deceased-husband of the petitioner w.e.f. 19.02.2017 (i.e. after three months from the date of death of the petitioner’ husband) till the actual date of payments, within a period of 02 months from the date of receipt of certified copy of this order.

17.03.2026  
kothiyal

(NAMIT KUMAR)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |