



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

CWP-11080-2026

Date of Decision : 10.04.2026

KULWINDER KAUR

.....Petitioner

VERSUS

**CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH AND
OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Amit Kaith, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance raised by the petitioner is that the reinstatement order dated 30.07.2024 (Annexure P-5), passed by the respondent No. 1, i.e., the Chandigarh Administrative Tribunal, Chandigarh Bench (hereinafter referred to as “the Tribunal”), was upheld in respect of the husband of the petitioner, however, he was not reinstated in service till his death on 22.02.2016. While the grant of salary benefits by the Tribunal is valid but the interest on such amount has not been paid, which is incorrect. Therefore, once the entitlement to receive salary from the date of the order dated 30.07.2024 passed by the Tribunal till reinstatement in service, and thereafter up to the date of death, was found admissible, the calculated amount ought to have been paid along with interest.

2. Notice of motion.

3. Mr. Gaurav Rana, Advocate appears and accepts notice on behalf of the respondents.

4. Learned counsel for the respondents concedes the fact that the services of the petitioner's husband were illegally terminated in 2005 and such termination was set aside by the Labour Court vide award dated 14.10.2014 while granting the benefit of reinstatement along with back wages to the petitioner's husband. However, since the writ petition, i.e., CWP No. 18401 of 2015, was filed before this Court challenging the said order of the labour Court by the Department concerned, the petitioner's husband was not reinstated in service in view of the interim order passed in the favour of the Department and the husband of the petitioner ultimately died in 2016, i.e. the during the pendency of the writ petition.

5. Learned counsel for the respondents further submits that the writ petition, i.e., CWP No. 18401 of 2015, was disposed of on 16.12.2017 thereby granting the benefit of 25% back wages with 6% interest to the legal heirs. The said order was implemented, but as there was no direction to grant interest on the arrears for the period starting from reinstatement till the death of the petitioner's husband therefore, the benefit has rightly been declined by the Tribunal.

6. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

7. It is a conceded fact that all the entitled amount has been released to the petitioner, though delayed. However, compensatory interest on the said amount, which is paid from the deemed date of reinstatement till the death of the employee, is also required to be granted by the Tribunal. Further, if any amount belonging to the employee concerned has been retained by respondent No. 1 which actually belongs to the petitioner, she is entitled to interest on such amount.

8. It may be noticed that the learned Tribunal did not consider this aspect, despite the same being specifically pleaded by the petitioner that the amount due to the petitioner should be released along with interest. Once, the order passed by the Labour Court was upheld qua the reinstatement and only backwages were modified and on the date of decision, the husband of the petitioner had died, non-grant of interest on the due payment will cause prejudice to her. Hence, to compensate delayed payment, respondent is held entitled to interest.

9. Keeping in view the totality of the circumstances, the amount of salary, including pensionary benefits as well as family pension, payable after reinstatement of the petitioner's husband till his death, shall also carry interest @ 6% per annum from the date it became due till the actual payment of the same.

10. Present petition is disposed of in the above terms.

11. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

10-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO