IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CWP-12242-2023

Date of Decision: 21.05.2026

TEJO DEVI ...Petitioner

Versus

HARYANA FINANCE CORPORATION AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

****

Present: Mr. Krishan Kumar Thakur, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate
for respondent No.1-HFC.

Mr. Saurabh Girdhar, AAG Haryana
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to consider the claim of the petitioner for grant of interest on the delayed payment of family pension and arrears thereof to the petitioner in view of the judgment passed in ***A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343*** (Annexure P-21), and further for issuance of a writ in the nature of mandamus directing the respondent-Department to decide the legal notice dated 14.02.2023 (Annexure P-22) submitted by the petitioner in accordance with law.

2. Learned counsel for the petitioner *inter alia* contends that the

husband of the petitioner died in the year 2002 while serving the respondent-Corporation and prior thereto had also served in the Indian Army. After the death of her husband, the petitioner started receiving family pension, which was subsequently stopped on 31.03.2009. Learned counsel further submits that in identical circumstances, similarly situated employees approached this Court by filing CWP No.18825 of 2007 titled "***K.K. Sharma and others vs. Haryana Financial Corporation and others***", decided on 14.03.2014.

3. Moreover, the aforesaid writ petition was filed challenging the decision of the respondent-Corporation in scrapping the pension scheme floated by the Corporation. The said writ petition was allowed and directions were issued to the respondent-Corporation to restore the pension scheme qua the petitioners therein and all other similarly situated employees within a period of one month. However, despite the aforesaid directions, the pension of the present petitioner was not restored, compelling her to file ***CWP No.576 of 2009*** and thereafter ***CWP No.8696 of 2021***, which was disposed of on 22.04.2021 (Annexure P-19) with a direction to the respondent-Corporation to decide the legal notice submitted by the petitioner. In compliance thereof, a speaking order dated 30.03.2009 (Annexure P-20) was passed and arrears of pension for the period from 2012 to 2021 were released to the petitioner. However, no interest on account of delay in restoration/release of family pension and arrears thereof was granted to the petitioner, constraining her to file the present petition seeking interest on delayed payment of family pension and arrears in view of the judgement rendered by this Court in ***A.S. Randhawa (supra)***.

4. *Per contra*, learned counsel for the respondent submits that

while passing the judgement in ***K.K. Sharma (supra)*** , this Court had not issued any direction regarding payment of interest. Referring to Annexures R-2 and R-3, learned counsel vehemently submits that the family pension was stopped after scrapping of the pension scheme and further contends that the pension under the scheme was discontinued at the asking of the petitioner as she intended to receive family pension from the Indian Army. As such, the petitioner is not entitled to any interest.

5. In rebuttal, learned counsel for the petitioner submits that there is no denial to the effect that the pension scheme was scrapped by the respondent-Corporation and while passing the speaking order, the relevant Rules as amended vide notification dated 07.02.2014 were taken into consideration, whereby widows/widowers of such Government employees became entitled to draw dual family pension, i.e. one from the Civil side and another from the Military side. Therefore, the stand taken by the respondent-Corporation is wholly untenable.

6. I have heard learned counsel for the parties and perused the record.

7. It transpires that after the death of the husband of the petitioner in the year 2002, the petitioner started receiving family pension w.e.f. 12.02.2002 and the same continued till 31.03.2009, when the pension scheme was scrapped by the respondent-Corporation. The action of scrapping the pension scheme was challenged before this Court and in ***K.K. Sharma (supra)*** , this Court set aside the impugned action and directed restoration of pension to the petitioners therein as well as all other similarly

situated retirees. There is also no denial to the fact that thereafter the petitioner approached this Court by filing ***CWP No.8696 of 2021***, pursuant whereto a speaking order (Annexure P-20) was passed and arrears of pension for the period from 2012 to 2021 were released to the petitioner.

8. In the wake of the aforesaid submissions and upon perusal of the record, this Court is constrained to hold that once the scrapping of the pension scheme has been held to be illegal and the petitioner has been granted arrears of pension, the petitioner is also entitled to interest in terms of the judgment rendered by this Court in ***A.S. Randhawa (supra)***.

9. Consequently, the present writ petition is allowed with a direction to the respondents to pay interest @ 6% per annum to the petitioner on the delayed payment of family pension and arrears thereof from the date of filing of ***CWP No.8696 of 2021*** till the actual date of payment. The needful be done within a period of two months from the date of receipt of a certified copy of this order.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

May 21, 2026
Nisha-1

Whether speaking/reasoned Yes
Whether reportable No