

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218

CWP-15687-2024 (O&M)

Date of decision: 14.09.2026

Rajesh Kumar

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

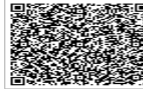
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sunil K. Nehra, Senior Advocate with
Mr. Viren Nehra, Advocate
for the petitioner.

Mr. Aakash Singla, Addl. A.G., Haryana.

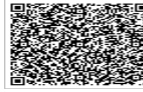
NIDHI GUPTA, J.

Present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed by the petitioner for issuance of a writ in the nature of Certiorari quashing the impugned order dated 26.04.2024 (Annexure P-5) passed by the Director, Urban Estates Haryana vide which the claim of the petitioner for grant of interest on delayed payment of pensionary benefits of her rights has been rejected in an illegal and arbitrary manner; **AND** issuance of a writ in the nature of Mandamus directing the respondents to grant interest to the petitioner on delayed payment in view of the judgment rendered by the Full Bench of this Hon'ble High Court in the case of **A.S. Randhawa Vs. State of Punjab** decided on 16.05.1997 (Annexure P-6) as the wife of the petitioner had



expired on 12.07.2017 and the payment was released to the petitioner after considerable delay.

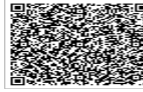
2. It is *inter alia* submitted by learned Senior counsel for the petitioner that the now deceased wife of the petitioner was working as Senior scale Stenographer in the respondent-Department. She had died by suicide on 12.07.2017. On 27.07.2017 itself, petitioner had submitted a letter to the Additional Director, Urban Estate, Haryana for release of pensionary benefits of his wife. In response, Petitioner received a letter dated 08.08.2017 from the respondents asking him to supply the relevant documents. On 10.08.2017 itself, petitioner had submitted all the required documents alongwith application for release of Rs.25,000/- as Ex.Gratia amount. He also submitted requisite form pertaining to grant of death-cum-retirement gratuity; payment of accumulations in the GPF account; release of payment of Leave Encashment; payment of GIS; arrears of salary et cetera. Learned Senior Counsel submits that despite the prompt action taken by the petitioner, the said amounts were not released to the petitioner. Accordingly, petitioner had submitted a Representation dated 09.10.2017 followed by reminders dated 13.11.2017, 27.11.2017, 18.12.2017 and 19.01.2018. On 20.02.2018, petitioner had received a letter from respondent No.3-Director, Urban Estates Haryana informing that final report of Police is still awaited regarding cause of death of his wife and, therefore, benefits cannot be released at this stage. Thereafter, petitioner had received another letter dated 24.08.2018 from SPIO, office of Director, Urban Estate, Haryana informing that in the suicide case of



Smt. Meenakshi, final report of Police is awaited, and benefits cannot be released at this stage.

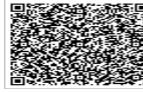
3. Learned Senior Counsel submits that however, as per the RTI information received by the petitioner, no criminal case had been registered against anybody including the petitioner. As per the information received by the petitioner, no criminal proceedings have been initiated against anybody in the suicide case of the wife of the petitioner. This fact was admitted in a letter dated 01.12.2017 written by the Deputy Commissioner of Police, Panchkula and was received by the petitioner by way of RTI. Accordingly, petitioner had submitted Representations dated 05.11.2018 and 26.12.2018. Thereafter, petitioner had submitted a Representation dated 09.01.2019 to the Deputy Commissioner, Panchkula that directions may be given to the concerned officials of the Police Department for submission of pending reports to the Director, Urban Estates Haryana, Panchkula in a time bound manner, so that the matter does not get delayed as the same is pending with the Police Department since long.

4. Learned Senior Counsel further submits that a letter dated 05.03.2019 was written by the Deputy Commissioner, Panchkula to the Deputy Commissioner of Police, Panchkula in which request was made that on the application of the petitioner necessary action be taken within one week and the same be informed to the office. Yet, no action was taken. As such, petitioner continued to submit numerous Representations even thereafter on 03.04.2019, 21.05.2019, 24.06.2019 and 23.07.2019.



5. Finally, as no action was taken on the various Representations submitted by the petitioner, petitioner served legal notice dated 30.08.2019 upon the respondents through his counsel. As still no action was taken, petitioner was constrained to approach this Court by way of **CWP-27583-2019** titled as **Rajesh Kumar vs. State of Haryana and others**, praying for release of all the death benefits of his deceased wife alongwith interest thereupon. The said Writ Petition came to be disposed of by this Court vide order dated 26.02.2021 (Annexure P-1) taking note of Affidavit dated 01.02.2021 filed by the Assistant Commissioner of Police, Panchkula; whereupon this Court had directed the competent authority to pass a fresh order within one month in accordance with law keeping in view the said Affidavit dated 01.02.2021.

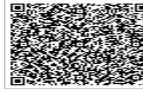
6. Learned Senior Counsel submits that as needful was still not done, petitioner was constrained to file **COC-1140-2021** titled as **Rajesh Kumar vs. A.K. Singh and others**. Pursuant thereto, certain payments were made to the petitioner from 23.12.2021 to 09.03.2023. As no interest was paid to the petitioner on the said payments, petitioner had submitted a Representation dated 16.09.2022 (Annexure P-2) to the Director, Urban Estate, Haryana/respondent No.3 for grant of interest on delayed payment. In the meantime, Contempt Petition filed by the petitioner was disposed of as infructuous vide order dated 11.05.2023 (Annexure P-3). As still no action was taken by the respondents on the Representation dated 16.09.2022, petitioner had again approached this Court by way of **CWP-1274-2024** titled as **Rajesh Kumar vs. State of**



Haryana and others praying for interest on the delayed payment in view of Full Bench judgment of this Court in **A.S. Randhawa vs. State of Punjab, decided on 16.05.1997**. The said **CWP-1274-2024** came to be disposed of by this Court vide order dated 20.01.2024 (Annexure P-4) on the statement of learned counsel for the respondent-State that the said Representation dated 16.09.2022 *“will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order and in case, after the decision, the petitioner is found entitled for any benefit, the same will be extended to him within a further period of four weeks.”*

7. Learned Senior Counsel submits that however, vide the impugned order dated 26.04.2024 (Annexure P-5), claim of the petitioner has been rejected on the ground of Rule 52 (1) of the Haryana Civil Services (Pension) Rules, 2016. It is contended that a perusal of the same would show that the same is not applicable in the case of the petitioner as the petitioner was never charged with the offence of murdering his wife. Infact no FIR was ever registered by the Police in relation to the death of the wife of the petitioner. Therefore, the Department could not have withheld the family pension and other benefits which were required to be paid to the petitioner on the basis of the Rule 52 (1).

8. Learned Senior Counsel further argues that in the impugned order itself it has been admitted by the respondents that nobody was responsible for the death of the wife of the petitioner and no FIR was registered against anybody. Therefore, the rejection of the claim of the



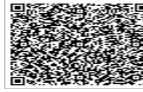
petitioner on the basis of Rule 52 (1) of the Haryana Civil Services (Pension) Rules, 2016 is not justifiable.

9. It is further submitted by learned Senior Counsel that the Full Bench of this Court in the case of "**A.S. Randhawa Vs. State of Punjab**" **reported as 1997 (3) SCT 468** had granted 12% interest on delayed payment and had directed the Chief Secretaries of the two State Governments to fix the responsibility of the erring officials in each case pertaining to their States in regard to the delay caused in the disbursement of retiral benefits to the petitioners and recover the amount of interest from them so that there is no loss caused to the State Exchequer.

10. He accordingly prays that the present Writ Petition be allowed; and following prayers be accepted:-

"i. Issue a writ in the nature of Certiorari quashing the impugned order dated 26.04.2024 (Annexure P-5) passed by the Director, Urban Estates Haryana vide which the claim of the petitioner for grant of interest on delayed payment of pensionary benefits of her rights has been rejected in an illegal and arbitrary manner;

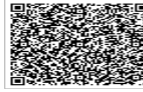
ii. issuance of a writ in the nature of Mandamus directing the respondents to grant interest to the petitioner on delayed payment in view of the judgment rendered by the Full Bench of this Hon'ble High Court in the case of A.S. Randhawa Vs. State of Punjab decided on 16.05.1997 (Annexure P-6) as the wife of the petitioner had expired on 12.07.2017 and the payment was released to the petitioner after considerable delay."



11. *Per contra*, learned State Counsel has strongly controverted the submissions of the petitioner and has contended that no interest is payable to the petitioner as no delay was occasioned on the part of the respondent-Department. Learned State Counsel takes this Court through the history of this case as enumerated in the written statement dated 04.09.2025 filed on behalf of respondent No.1 and 3, to contend that it is amply borne out from the record that there is no delay in releasing pensionary benefits by the respondent-Department. As such, petitioner is not entitled for any interest on delayed payment of pensionary benefits which had been kept on hold as a precautionary step during the pendency of Police investigation as per rules and after clearance from the Police Department all the benefits were released immediately without any delay. Hence, the petitioner is not entitled to any relief as claimed for. Therefore, the present writ petition be dismissed being devoid of merit.

12. No other argument has been raised on behalf of learned counsel for the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions of the petitioner.

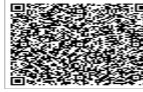
13. Factual matrix of the case has already been noted herein above. It is admitted case that wife of the petitioner namely, Smt. Meenakshi had died by suicide on 12.07.2017. Almost immediately, thereafter, petitioner had submitted a letter dated 27.07.2017 for grant of family pension and other death benefits to him. As the death of the wife of the petitioner was not a natural death, and as she had died by suicide, the respondent/ Urban Estate Department had written a letter dated



18.10.2017 to the Station House Officer, Police Station, Sector-15, Panchkula for sending report about criminal proceedings conducted in the suicide case of the deceased wife of the petitioner. As no response was received, the respondent-department had sent Reminder dated 09.11.2017; upon which a reply dated 01.12.2017 was received from the Deputy Commissioner of Police, Panchkula; whereby it was informed that:-

"In connection with the subjected matter stated that on dated 12.07.2017 on receipt of information about the suicide committed by Meenakshi the proceedings under section 174 of Cr.P.C were started and postmortem was got done in the Civil Hospital, Sector-6, Panchkula. During the post mortum the bisra taken of deceased by the doctor was sent to Forensic Laboratory, Madhuban for obtaining result of the report of which is still awaited. After receipt of report the cause of death can be known. Till date no criminal case has been registered against anybody. Therefore, after receipt of bisra report from the Forensic Laboratory Madhuban proceedings shall be initiated."

14. Again, vide letter dated 25.01.2018, the Urban Estate Department had written a letter to the Deputy Commissioner of Police, Panchkula seeking to know the status of the report of deceased Smt. Meenakshi. A reply dated 03.02.2018 was received informing that report from Madhuban had still not been received. It is undisputed that thereafter the Urban Estate Department had time and again written letters dated 31.07.2018, 11.01.2019, 13.03.2019 to the Deputy



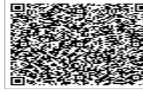
Commissioner of Police, Panchkula requesting to know the status of the reports of deceased i.e. Smt. Meenakshi. On 01.04.2019, a reply was received by the respondent-Department informing that as per the PMR and the chemical analysis report, the Board had opined that cause of death of Smt. Meenakshi is due to hanging which is antonym in nature.

15. Accordingly, the Urban Estate Department had again written a letter dated 20.09.2019 seeking report regarding charges against anyone as well as closure report of the case of deceased Smt. Meenakshi. In response thereto, a letter dated 22.10.2019 was received from the Deputy Commissioner of Police, Panchkula reiterating the above information. Accordingly, Urban Estates Department had again written a letter dated 13.01.2020 to the Deputy Commissioner of Police, Panchkula about any order passed by the concerned Court in case of deceased Smt. Meenakshi.

16. As already noted above that in the meantime, petitioner had approached this Court by way of **CWP-27583-2019** titled as **Rajesh Kumar vs. State of Haryana and others** which was disposed of vide order dated 26.02.2021 (Annexure P-1) which reads as follows:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner's wife is stated to have died on 12.07.2017. Before her death, she was working as a Senior Scale Stenographer in the Department of Urban Estate, Haryana. The petitioner applied for release of the benefits as per the policy adopted by the State Government. However,



the same were not released on the ground that the Police is investigating the matter.

The petitioner prays for quashing the order dated 20.02.2018, 24.08.2018 and 28.03.2019, respectively whereby, the payment of benefits as per the policy was withheld, awaiting report from the Police.

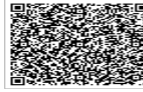
During the pendency of the writ petition, the Assistant Commissioner of Police, Panchkula, has filed an affidavit dated 01.02.2021 and para 3 to 5 reads as under:-

"3. That postmortem of deceased Meenakshi was conducted on 13.07.2017 and visra was sent to Karnal for Chemical Examination. Chemical Examiner, Govt. Hospital, Karnal, submitted Chemical Examination report of visra vide letter no.1319-P dated 16.10.2018.

4. That after going through the postmortem report and the report of Chemical Examiner the board of doctors, vide their opinion dated 27.03.2019, opined that the cause of death Meenakshi is due to hanging which is antonym in nature.

5. That from investigation and from the opinion of board of doctors regarding cause of death deceased Meenakshi, it was found that Meenakshi had committed suicide by hanging. As no body was found responsible for her suicide so no FIR was registered in this matter against anybody. Report in this regard was sent to respondent no.3 vide this office letter No.1250/ACP/PKL dated 24.10.2020 (copy attached as Annexure R-1)."

After having heard the learned counsel for the parties it is considered appropriate to direct the competent authority to pass a fresh order within one month from today in accordance with law in view of the subsequent development i.e. the affidavit of the Assistant Commissioner of Police, Panchkula, dated 01.02.2021.



If the petitioner is found entitled to the amount, the same shall be released to him within one month after passing the order.” **(Emphasis added)**

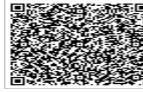
17. From the above, it is clear that a final report to the effect that no one was responsible for the suicide of Smt. Meenakshi, and that no FIR was registered in the case, was sent to the respondent-department only on 24.10.2020. The facts narrated above establish that despite repeated queries made by the respondent-Department seeking information from the Deputy Commissioner of Police, Panchkula regarding the report in the case of death of Smt. Meenakshi, it was only by way of Affidavit dated 01.02.2021 filed by the Assistant Commissioner of Police, Panchkula before this Court in the afore-mentioned **CWP-27583-2019** that it was informed that as per report dated 24.10.2020 that *“As no body was found responsible for her suicide so no FIR was registered in this matter against anybody. Report in this regard was sent to respondent no.3 vide this office letter No.1250/ACP/PKL dated 24.10.2020”*

18. It is also admitted that the said Police clearance dated 24.10.2020 was brought to the notice of the respondents only by way of above said Affidavit dated 01.02.2021 as mentioned in order dated 26.02.2021 (Annexure P-1). Soon, thereafter, the respondents initiated the process to release the pensionary benefits to the petitioner. For this purpose, vide letter dated 08.11.2021 (Annexure R-1) the respondent-department asked the petitioner to submit affidavit of legal heirs of the deceased Smt. Meenakshi for releasing the pensionary benefits as per

rules. In the meantime, petitioner had also filed COCP No.1140 of 2021 before this Court for releasing the death benefits to the petitioner. After filing the contempt petition the petitioner filed an affidavit of legal heirs of the deceased in the office of respondent-department only on 15.11.2021. Vide letter dated 14.12.2021 (Annexure R-2) petitioner was asked to submit the prescribed papers for releasing the death-cum-retirement gratuity. Immediately, thereafter, the respondent-Department had proceeded to release the payment of the death benefits to the petitioner in the following manner: -

Sr. No.	Amount	Date of payment
1.	Rs. 25,000/- (Ex. Gratia payment)	23.12.2021
2.	Rs. 44,756/- (GIS payment)	23.12.2021
3.	Rs.4,87,659/- (Leave encashment)	06.01.2022
4.	Rs. 6,33,780/- (DCRG)	30.07.2022
5.	Rs. 16,64,261/- (arrears of financial assistance 1st Part)	15.03.2022
6.	Rs. 17,52,284/- (arrears of financial assistance 2nd part)	18.05.2022
7.	Rs. 7,70,630/- (arrears of financial assistance 3rd part)	09.03.2023

19. Thus, in the above facts, it cannot be said that any delay was caused by the respondents; and they are, therefore, liable to pay interest.
20. It is the considered view of this Court that from the facts enumerated above, it is clear that no delay in payment had been caused on account of any omission or commission on the part of the respondent-Department. It cannot be disputed that pensionary benefits of the



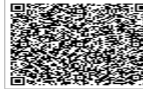
deceased Smt. Meenakshi could not have been released to the petitioner during the pendency of investigation. It was necessary to ascertain as to whether any family member of the deceased Smt. Meenakshi was involved in abetting the commission of the suicide of Smt. Meenakshi. As such, final report of the Police was rightly awaited to establish actual cause of her death and the involvement of the petitioner or any other person.

21. Learned Senior Counsel has relied upon Rule 52(1) of the Haryana Civil Services (Pension) Rules, 2016 to submit that payment could not have been delayed as petitioner had not been charged for murder.

The said Rule 52 (1), reads as under: -

"Where a family member, who in the event of death of Government employee while in service or pensioner, is eligible to receive family pension, is charged with the offence of murdering the Govt. employee or pensioner or for abetting in the commission of such an offence, the claim of such member, including other eligible member(s) of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him."

22. Learned Senior Counsel for the petitioner has contended that as per the above Rule, pensionary benefits could have been withheld only in case the petitioner or any family member is "charged" with the offence of murdering the Govt. employee or for abetting in the commission of such an offence. However, a determination in this regard - as to whether the petitioner has to be charged or not - could only have been made upon

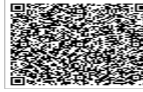


completion and conclusion of investigation. Such a determination was made by the Police after investigation, only vide the report dated 24.10.2020. As demonstrated above, immediately upon receipt of these said report, respondents have proceeded in the matter.

23. Furthermore, it is to be appreciated that the petitioner being husband of Smt. Meenakshi, who had died by suicide, therefore, role of the petitioner was bound to be under the scanner. As investigation was still in progress, and no clearance had been received from the Police, therefore, respondents were fully justified in suspending release of benefits to the petitioner as a precautionary measure. Hence, there is no delay in releasing the pensionary benefits to the petitioner by respondent-department, therefore, the petitioner is not entitled to any relief as claimed. Action of the respondent-Department in keeping on hold release of the dues as precautionary step during the pendency of the Police investigation as per Rules, cannot be faulted; especially in view of the fact that immediately after clearance of the Police Department, all benefits were released forthwith to the petitioner without any delay.

24. Rather from the facts afore noted, it would appear that some delay has been caused on part of the petitioner himself in supplying relevant and necessary information as sought by the respondent-Department to process the case.

25. The issue of grant of interest has been considered in depth by a Large Bench of the Hon'ble Supreme Court in case of "**Central Bank of India v. Ravindra**" (SC) **Law Finder Doc Id # 5386**. The said issue was also



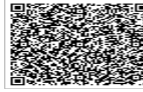
considered by the Hon'ble Supreme Court in another recent judgment in ***"I.K. Merchants Pvt. Ltd. v. State of Rajasthan", (SC) : Law Finder Doc Id # 2713786***. After comprehensively considering the substantial case law on the subject, their Lordships concluded, as follows:

"14. Thus, it is abundantly clear that the Courts have the authority to determine the appropriate interest rate, considering the totality of the facts and circumstances in accordance with law. That apart, the Courts have the discretion to decide whether the interest is payable from the date of institution of the suit, a period prior to that, or from the date of the decree, depending on the specific facts of each case.

XXX XXX XXX

16. Be it noted, while the discretion to award interest, whether pendente lite or post-decree, is well recognized, its exercise must be guided by equitable considerations. The rate and period of interest cannot be applied mechanically or at an unreasonably high rate without any rationale. Though it is not possible to arrive at the actual value of improvement or the inflation on the fair consideration, if paid at the relevant point of time, it is just and necessary that the rate of interest must be a reparation for the appellant. The Court must ensure that while the claimant is fairly compensated, the award does not become punitive or unduly burdensome on the Judgement Debtor. Therefore, the rate of interest should be determined in a manner that balances both fairness and financial impact, taking into account the "loss of use" principle and economic prudence, in the specific facts of each case.

17. Considering the prolonged pendency of the dispute regarding the valuation of shares, which has only been determined recently, and the substantial share amount involved, and



also keeping in mind that this is a commercial transaction, and the entire burden of interest along with principal value falls upon the Government, it is necessary in the present case to award reasonable interest, in order to strike a balance between the parties. Thus, in these peculiar facts and circumstances, we deem it fit, just and appropriate to award simple interest at the rate of 6% per annum from 8th July 1975, on the enhanced valuation of shares till the date of decree and interest at the rate of 9% per annum from the date of decree till the date of realisation. The interest shall be paid along with the amount due towards the enhanced value of the shares, after adjusting the amount already paid, to the appellants, within a period of two months from today.” (Emphasis added)

26. From the above discussion, the legal position that is culled out is that interest is payable as ‘compensation’ upon wrongful denial or loss of use of money to one entitled to use of said money; and ‘penal interest’ is payable by wrong doer in making delayed payment to the one so entitled to use of said money. Further, the grant of interest is: a) at the discretion of the Court; b) it has to be equitable and fair after striking a balance between the parties; c) it cannot be punitive; and d) has to be awarded after taking into consideration the entire facts and circumstances of the case.

27. It is my considered view that in the entire facts and circumstances noted above, the petitioner cannot claim any ‘entitlement’ to the interest as there was no deliberate delay on part of the respondents.

28. Keeping in view the above factual and legal position, the present Writ Petition stands **dismissed**.



29. Pending application(s) if any also stand(s) disposed of.

14.09.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No