

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CM No.16020 of 2014 and
CWP No.17398 of 2012 (O&M)
Date of decision: 5.1.2015

Santosh Devi

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Padamkant Dwivedi, Advocate,
for the petitioner.
Mr.Pardeep Parkash Chahar, DAG, Haryana.
Mr.Parveen Chauhan, Advocate, for
Mr.G.S.Wasu, Advocate,
for respondents No.2 to 4
...

AMOL RATTAN SINGH, J. (Oral)

CM No.16020 of 2014

Application is allowed. Affidavit of the Secretary, Haryana State Agriculture Marketing Board, along with order, Annexure R-1, appended thereto, is taken on record.

CWP No.17398 of 2012

In the order dated 5.12.2014, placed on record with the application listed today, it has been shown that the husband of the petitioner has been granted the 2nd ACP scales w.e.f. 1.1.2000, on completion of 20 years of service. Obviously, this benefit has been granted after counting his service in the HSMITC, which he is stated to have joined on 28.12.1979.

Thus, one of the reliefs sought in the petition has already been granted to

the petitioner.

As regards the other benefits, i.e. pensionary benefits, for which prayer has been made in the petition, it has been stated in the written statement filed earlier, that since the petitioner is already drawing the last pay drawn by her husband as on the date of his death, the question of granting retiral benefits does not arise till the deemed date of her late husbands' retirement, i.e. 31.5.2015.

Obviously, since the respondents have already granted the benefit of the 2nd ACP scale to the petitioner on account of the service rendered by her husband with the HSMITC also, the pay which would be now granted to her would be as per the scale admissible to him vide order dated 5.12.2014 and the pensionary benefits as and when they fall due, i.e. on 1.6.2015, would be paid to her accordingly.

Though the order dated 5.12.2014 states that the 2nd ACP scales would be admissible from 1.1.2000, no mention has been made of the arrears having been paid to the petitioner.

This petition is, consequently, disposed of with a direction to the respondents, that arrears accruing to the petitioner on account of the revised pay scale w.e.f. 1.1.2000 would be paid to her, within a period of three months from the date of receipt of a certified copy of this order, along with interest @ 6% per annum, on account of the delayed payment. However, interest payable to the petitioner will only accrue to her with effect from the date that her husband passed away, in view of the fact that he himself had not sought the benefit of the 2nd ACP scales right uptill his death, on 19.5.2009, and the present petition was filed by the petitioner on

4.9.2012.

The pensionary benefits as would enure to the petitioner on 1.6.2015, would also be calculated as per the pay of her husband, as is being granted to her on account of the 2nd ACP scales having been made admissible to him.

5.1.2015
pk

(AMOL RATTAN SINGH)
JUDGE