

CWP No. 23373 of 2012

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

CWP No. 23373 of 2012

Date of decision : 08.01.2015

Sukhwinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr.Ashish Grover, Advocate
for the petitioner.

Mr. L.S.Virk, Addl. AG, Punjab.

Mr. V.K.Grover, Advocate
for respondent No. 5.

AMOL RATTAN SINGH, J. (Oral)

This petition seeks release of terminal benefits payable to the petitioner upon the death of her husband, who unfortunately died while serving with respondents No. 1 to 4, on 26.09.2010.

Whereas gratuity is stated to have been paid to the petitioner on 21.09.2012, some part of GPF and leave encashment was paid on 15.11.2012, and thereafter on 14.03.2013, during the pendency of this petition.

Learned counsel for the petitioner further submits that recovery of Rs. 3,18,354/- was made by respondent No. 5 on 04.07.2012 and of that amount, Rs. 2,85,451/- was again deposited into the petitioners' account, on 21.10.2013. He, therefore, seeks interest on the amount wrongly deducted from the petitioners' account and thereafter refunded to her only about 1 year and 3 months later.

This petition is, consequently, disposed of with a direction to the respondents to calculate interest at statutory rates as far as the delayed payment of gratuity and provident fund is concerned, and @ 7% per annum on other heads of payment which do not carry a statutory rate of interest and make payment thereof to the petitioner within a period of two months from the date of receipt of a certified copy of this order. Interest would also be calculated and paid, on the amount of Rs. 2,85,451/- wrongly deducted from the petitioner and later re-deposited into her account, 1 year, 3 months, and 17 days later.

Since the petitioners' husband died suddenly, a leeway of four months is given to the respondents, as regards service/retirement benefits that should have been paid to the petitioner, upon the death of her husband. That period (4 months) after his death, which occurred on 26.09.2010, was enough time by which they should have calculated all benefits as were due to the petitioner on the death of her husband. As such, interest shall be calculated under all heads from 01.02.2011, till the date that payments were actually made to the petitioner.

08.01.2015*amit rana*

(AMOL RATTAN SINGH)
JUDGE