

Date of decision : 03.07.2015

.....PETITIONER

.....RESPONDENTS

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

The petitioner had filed this writ petition for seeking death-cum-retiral benefits of her husband who had died on 29.01.2012 while in service. During the pendency of the writ petition the following amounts were paid on the following dates :-

		<i>Amount</i>	<i>Released on</i>	<i>Delay caused</i>
1	Leave encashment	177380	31.10.2014	33 months
2	G.I.S.	30000	22.05.2014	28 months
3	Ex-gratia	25000	18.12.2014	35 months
4	DCRG	--	--	--
5	DA Arrears	22000	30.10.2014	33 months
6	LTC	Yet to be released		

As regards LTC, in the written statement it was stated that the matter was under consideration. Learned counsel states

that now the only dispute is with regard to the interest of the delayed payment. As per the instructions of the Government retiral benefits have to be paid within a period of six months. Since the petitioner passed away on 29.01.2012, the period of six months would expire on 31.07.2012 and for payments made beyond that date the petitioner would be entitled to interest.

As regards payment of DCRG, learned State Counsel, on instructions has stated that the payment of the same has been made to the petitioner on 29.12.2014.

In the circumstances it is directed the petitioner would be entitled to interest @8% per annum for the period beyond 1st August, 2012 on all the payments which have been released to her. As far as LTC is concerned, the respondents are directed to take a final decision thereon and, in case the petitioner is found entitled to the same, to pay the same with the same interest. In case the petitioner is found not entitled to the same, a speaking order be passed. Let necessary exercise in respect of all the above mentioned directions be undertaken within a period of two months from the date of receipt of a certified copy of this order. It is made clear that if any due payment is not made within the aforesaid period, the petitioner would be entitled to claim the same with interest @ 10% per annum from the date/s the amount/s fell due till the date of payment.

No other argument has been raised.

Petition is disposed of in the above terms.

Since the main case has been decided, the Civil Miscellaneous application, if any, also stands disposed of.

July 03, 2015

sunita

(AJAY TEWARI)
JUDGE