

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

CWP-22967-2013

Date of decision: December 17, 2015

PARKASH KAUR

...Petitioner

VERSUS

UNION OF INDIA AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.P.S. Sandhu, Advocate
for the petitioner.

Mr. Brijeshwar Singh Kanwar, Advocate
for respondents No.1 and 5.

Mr. Ashish Sharma, Addl. A.G., Punjab
for respondent No.2.

Mr. K.S. Dadwal, Advocate
for respondents No.4 and 6.

LISA GILL, J.(ORAL)

Petitioner prays for a direction to respondent No.4 to release 1/3rd share of the pay to be paid for the period 01.01.1996 till 30.10.2000 i.e. the date on which she retired as well as revised scale and revised retiral benefits.

Learned counsel for the respondents submit that this writ petition has been rendered infructuous as the only surviving claim of 1/3rd share of pay as above has since been satisfied.

It is not in dispute that benefits as per the revised pay-scale already stood released to the petitioner on her retirement. As far as 1/3rd share of pay to be released for the period from 01.01.1996 to 31.1.2000 is concerned, it is informed that the amount of Rs.83,446/- stands transferred to the petitioner's account on 27th November, 2015.

Learned counsel for the petitioner does not dispute deposit of the abovesaid amount but contends that respondents are liable to pay interest on the said amount as it has been deposited after inordinate delay.

Claim for interest on the aforesaid payment is clearly misplaced because petitioner herself never raised such a claim till 18.08.2012 (Annexure P-3) itself. This representation is specifically denied as per the reply filed on behalf of respondents No.4 and 6. It is categorically mentioned in the reply that no such representation was ever received. No replication has been filed by the petitioner to controvert the same and neither is there anything on record to substantiate the petitioner's claim of ever having submitted such a representation.

Reliance by learned counsel for the respondents on a decision of this Court in “*Er. Darshan Singh Bhullar vs. PSEB, 2011(3) SLR 287*” and “*Harnam Singh vs. State of Punjab and others, 2014(3) SCT 353*”, is well founded in the facts and circumstances of the case. Once the petitioner herself slept over her rights for 12 years, there is no ground for awarding interest on the said delayed payment.

Petition is accordingly disposed of.

December 17, 2015
m. sharma

(LISA GILL)
JUDGE