

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

CWP No.8540 of 2014

Date of Decision:25/08/2015

Heera Devi

...Petitioner

Versus

The Chief Administrator and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Piyush Gaur, Advocate for the respondents.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

DEEPAK SIBAL, J. (Oral)

The husband of the petitioner late Sh. Gobind Ram, a Class-IV employee with the respondents, expired on 31.7.2012. The present petition has been filed by his widow seeking release of gratuity and leave encashment alongwith interest.

During the pendency of the present writ petition, on 26.9.2014, an amount of Rs.2,71,095/- payable to the petitioner on account of gratuity and leave encashment dues has been paid. However, an amount of Rs.7000/- on account of wheat loan taken by the husband of the petitioner has been deducted.

So far as the deduction of Rs.7000/- towards wheat loan taken by the husband of the petitioner is concerned, the same could have not been done in view of the instructions of the Government of Haryana dated 16.8.2010.

Even the amount of gratuity and leave encashment, which has been paid to the petitioner, are rather belated. The only reason, which is forth coming from the side of the respondents is that the delay was on administrative grounds. Even if three months are granted to the respondents for fulfilling the administrative requirements, the retiral dues, as above, should have been released by 31.10.2012 but the same were released after two years which delay according to me is unreasonable.

In view of the above, the petitioner is held entitled to the amount of Rs.7000/- which has wrongly been deducted which is directed to

be paid to the petitioner within two months from the date of receipt of a certified copy of this order. The respondents are further directed to pay to her interest @ 10% per annum on the amount of gratuity and leave encashment due to her i.e. Rs.278095/- (Rs.271095 which are actually paid to the petitioner though belated and Rs.7000/- which has been wrongly deducted on account of wheat loan against the instructions of the Government of Haryana dated 16.8.2010).

The interest, as directed above, be also paid to the petitioner within two months from the date of receipt of a certified copy of this order and after paying the same, respondent No.2 is directed to hold an enquiry to find out so as to who is responsible for causing the above delay and after such enquiry, the amount of interest paid to the petitioner would be recovered from the salaries of official/officials found guilty for causing delay in disbursement of retiral dues.

The compliance report with regard to the above directions be submitted to this Court.

Disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

25.08.2015
rajeev