

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14074 of 2015
Date of Decision:- 27.5.2016.

Sunita Bali CT./Med

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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?

Present: Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Vivek Chauhan, Senior Panel Counsel for
Union of India – respondents.

P.B. BAJANTHRI, J.

1.) In the instant writ petition, the petitioner has prayed for direction to the second respondent to pay interest @ 18 % per annum on the difference of amount in Ordinary Family Pension, Extra Ordinary Family Pension and on ex-gratia amount of ₹ 5,00,000/- which were paid in the month of November, 2007 instead of in the year 1999.

2.) The petitioner's husband Late Sh. Joginder Kumar was working as a Head Constable/General Duty met with an accident and died on 9.11.1998. At the time of death he was posted at Leh and

was serving in 20th Battalion, SPT Company. Deceased Joginder Kumar's death benefits and retiral benefits have been settled by the respondents. However, insofar as demand of ex-gratia and Extraordinary Family Pension it was not considered and settled for the reasons that the petitioner approached the respondents on 5.2.2005 for the purpose of claiming ex-gratia and Extraordinary Family Pension. The same was settled on 20.11.2007 by releasing a sum of ₹ 5,00,000/- as an ex-gratia. Therefore, petitioner claims that she is entitled for interest for the period from 1999 to 2007. On the other hand, learned counsel for the respondents submitted that interest is not payable for ex-gratia and Extra-ordinary Family Pension. Late Joginder Singh who met with an accident on 9.11.1999, he was on leave and the accident took place in a private vehicle and not the Government vehicle. Therefore, the petitioner is not entitled for interest on the ex-gratia and Extraordinary Family Pension. That apart, it was contended that petitioner demanded for payment of ex-gratia and Extra-ordinary Family Pension on 5.2.2005 instead of in the year 1999. For the purpose of processing the papers, time has consumed and thus, there is a delay of about two years and few months. There is no intentional delay in settling the petitioner's ex-gratia and Extraordinary Family Pension. Therefore, the petitioner's claim is to be rejected.

3.) It is true that the petitioner has not demanded for payment of ex-gratia and Extraordinary Family Pension during the period from

December, 1998 to 5.2.2005. There is a delay on her part in demanding the aforesaid claim. Further after demand on 5.2.2005, the respondents have taken their own time i.e., till 20.11.2007 for settling ex-gratia amount of ₹ 5,00,000/-. The petitioner is entitled to interest for the period from 5.5.2005 to 20.11.2007. The petitioner is not entitled for interest for the period from 5.2.2005 to 5.5.2005 for the purpose of processing related papers, reasonable period is required for the respondents. In view of the facts and circumstances, the respondents are directed to pay interest @ 9% per annum for the period from 5.5.2005 to 20.11.2007 within a period of three months from today.

4.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 27, 2016.

sandeep sethi