

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 17688 of 2013

Date of Decision : February 12, 2016

Suchita Dhull Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Rajesh K. Kataria, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

The present petition has been filed by a widow, claiming interest on the delayed payment of her late husband's gratuity and leave encashment.

After hearing counsel for the parties and perusing the record of the case, the facts that have emerged are that the petitioner's late husband, who was serving the respondents as an Inspector in the Food and Supplies Department, Haryana, died on 30.03.2002. However, the retiral dues of her late husband i.e. leave encashment was released to the petitioner on 15.12.2010 and Death-cum-Retiral Gratuity (DCRG) was released on

02.02.2011.

The respondents have sought to justify the delay in disbursal of the aforesaid amounts on the ground that against the husband of the petitioner, at the time of his death, a charge-sheet for major penalty was pending. It was further submitted that recovery cases for an amount of ₹ 5,60,576/-, on several counts including advances taken by the husband of the petitioner, were pending at the time of his death.

It is submitted that on account of the aforesaid disciplinary proceedings and the recovery cases including recovery of advances taken by the petitioner's late husband, there was delay in disbursal of the afore-referred retiral benefits, which were released after the Government, by taking a benevolent stand, decided to waive-off the outstanding recovery of ₹ 5,60,576/- on account of the death of petitioner's husband.

The delay of over eight years in disbursal of the leave encashment and DCRG cannot be condoned. On the other hand, the Government has waived-off the recoveries due from the late husband of the petitioner. In the peculiar facts of the case in hand, in order to do complete justice between the parties, instead of grant of interest on delayed release of retiral benefits, I consider it just and appropriate to award to the petitioner a lump-sum amount of ₹ 25,000/-.

The writ petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

February 12, 2016

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