

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

CWP No.23956 of 2014 (O&M)

Date of decision : July 23, 2016

Manjeet Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vijay Pal, Advocate for the petitioner.

Mr. Gagandeep Singh Wasu, Addl. AG, Haryana.

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

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KULDIP SINGH J. (ORAL)

The father of the petitioner, who was working as Helper in Haryana Roadways, Bhiwani Depot, died in harness on 18.07.1993. After the death of father of the petitioner, the mother of the petitioner, namely, Bimla Devi sent a communication on 30.08.1993 to the respondent department on ex-gratia benefits with a prayer that her son (petitioner) was studying in 2nd class and a request was made for reserving one post of ex-gratia appointment till her son attains the age of eligible for service.

It comes out that thereafter in the year 2005, the government formed a policy, wherein ex-gratia assistance was also provided. It also comes out that vide letter dated 16.03.2011 (Annexure P-3), the Government reviewed all the pending cases and it was decided to grant compassionate assistance. The option was to be sought within six months. It further comes out that the mother of the petitioner exercised such option in August 2011 and thereafter, the case of the petitioner was processed.

Accordingly, during the pendency of the present petition, the Government sanctioned the grant of ex-gratia payment of ₹5,00,000/- to Bimla Devi, mother of the petitioner, vide order dated 01.08.2006 (Annexure P-4). The payment is stated to have been released.

Now the short prayer of learned counsel for the petitioner is for grant of interest, stating that from the year 2011 till 2016, the payment was delayed. Therefore, he is entitled to interest.

First of all, the payment was released to Bimla Devi, mother of the petitioner and the petitioner has no right to claim the interest. Bimla Devi has not come forward to claim that the payment was made late. Secondly, it was ex-gratia payment and it cannot be claimed as a matter of right.

In such circumstances, it was only on account of compassionate ground the payment of ₹5,00,000/- has been made. Therefore, on such payment, no interest shall be paid on account of delay.

Accordingly, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

July 23, 2016
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