

CWP No. 4941 of 2015

224

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

CWP No. 4941 of 2015

Date of Decision: 08.08.2016

Surjit Kaur

... Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.J.S. Bedi, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

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?*

KULDIP SINGH (J.)

Atma Singh, the husband of the petitioner was working as PR Chowkidar in the office of the respondent No. 4-Department of Food and Supplies, Rampura Phul, District Bathinda. On 13.02.2010, Atma Singh died. The claim of the petitioner is for release of pensionary /DCRG amount alongwith interest from the date of retirement of the Atma Ram till his death i.e. from 01.03.2006 to 13.02.2010.

It comes out that during the pendency of the present petition, the DCRG and LTA has been released. The present petition was filed in the year 2015. The learned counsel for the respondents has taken the stand that since, the DCRG/LTA amount has already been released, therefore, respondents are not liable to pay the interest. It is also stated that the petitioner has never approached the respondent department for release of DCRG/ LTA amount released prior to the year 2015. They have approached only on 05.02.2015.

CWP No. 4941 of 2015

I am of the view that the amount of DCRG and LTA was to be released by the department in favour of the legal heirs of the deceased employee. It also comes out that as per the policy decision taken on 17.04.2009, the PR-Chowkidar who were earlier not entitled to any pensionary benefits were made entitled to the same. No application from the legal heirs of the deceased government employee is required for the release of DCRG and LTA amount as the same was to be released by the department itself. As such, the respondent Nos. 3 and 5 are ordered to pay the interest @ 9% per annum on the delayed payment of DCRG and LTA respectively, starting three months from the date of policy decision i.e. 17.04.2009 till the payment is actually made.

The petition is accordingly allowed.

August 8, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

<i>Whether speaking / reasoned</i>	✓ <i>Yes</i> / <i>No</i>
<i>Whether Reportable</i>	✓ <i>Yes</i> / <i>No</i>