

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.501 of 2016

Date of decision: 12.1.2016

Rani Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

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

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the relief of payment of interest at the rate of 18% on the ground of delayed payment of retiral dues of the husband of the petitioner on account his untimely death on 10.1.2011.

Counsel for the petitioner submits that this Court had earlier been approached by way of Civil Writ Petition No.9538 of 2015 for the necessary relief in which payment of interest had also been prayed for along with amount of ₹ 3,11,489/-. This Court had directed respondent no.2 to decide the legal notice by passing a speaking order. It is pointed out that order has now been passed on 12.10.2015 (Annexure P/2) by the Additional Director and only reasoning given is that the total amount has already been paid by respondent no.4.However, a perusal of the same would also go on to show that it has been mentioned in the said order that if the petitioner still has any grievance, she may approach the concerned office with a representation and the concerned office will satisfy the petitioner in all respect regarding her claim.

This Court is thus of the opinion that admittedly as per order dated 12.10.2015 itself it has been noticed that some payments were made on 26.7.2011 onwards and last payment was made on 18.9.2015. In such circumstances, it is apparent that there was a delay in payment of the

retiral dues of the husband of the petitioner. Therefore, petitioner is entitled for the interest on the delayed payment of retiral dues. In view of the admitted position there is no need to issue notice.

The issue has already been settled by a Full Bench of this Court in **A.J.Randhawa Vs. State of Punjab 1998(1) S.C.T. 343.**

Accordingly, a direction is issued to respondent no.2 to take a decision on the undecided issue of interest element on account of delayed payment of retiral dues which was there on the face of the record and the Additional Director has failed to do so and left the petitioner in a lurch, constraining her to come this Court again for the second time. In view of the law laid down by the Full Bench of this Court in **A.S.Randhawa's case** (supra) the petitioner will be paid interest @ 12% within a period of one month from the date of receipt of a certified copy of this order. In case there is a dispute on facts, it will be open to the respondents to file an appropriate application.

The present writ petition is disposed off with the aforesaid directions.

January 12, 2016
Pka

(G.S.SANDHAWALIA)
Judge