

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 6120 of 2015

Date of decision : 21.01.2016

Smt. Sudesh Kumari & ors.

...Petitioners

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Budhwar, Advocate
for the petitioners.

Mr. Samarvir Singh, DAG, Haryana

RITU BAHRI , J.

Petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari for quashing order dated 28.11.2014 (Annexure P-15) passed by respondent No. 2 whereby the claim of the petitioner for interest on delayed payment of pensionary benefits and releasing of pension etc, has been declined.

Gurdial Singh (since deceased) was working with respondent Nos. 1 to 3 as AFSO and was posted at District Ambala and he expired on 22.07.2005 while in service by leaving behind petitioners, who applied for the pensionary benefits of Gurdial Singh. But respondent No. 3 sent a letter memo dated 18.12.2006 to the petitioner to produce

succession certificate (P-1). Petitioners filed a suit under Section 372 of the India Succession Act for issuance of Succession Certificate and the petitioner were held entitled to Succession Certificate vide judgment dated 21.04.2012, as Smt. Giano Devi failed to prove or brought any evidence that she was wife of late Sh. Gurdial Singh. The certificate was issued to the petitioners on 25.05.2012 (P-3). Petitioners submitted all the documents along with Succession Certificate and Deputy Director (Pension) sent a letter dated 03.12.2012 to respondent No. 4 regarding the family pension of late Sh. Gurdial Singh (P-4) but the pensionary benefits were not released to the petitioners. Thereafter, CWP No. 16799 of 2013 was filed by the petitioner for releasing of pensionary benefits and this Court vide order dated 05.08.2013 (P-12) directed the respondents to decide the claim of the petitioners regarding the benefit of family pension. The pensionary benefits were finally given as under:-

Rs.2,32,448/-	15.02.2014
Rs.38,657/-	01.05.2014
Rs.3,35,790/-	08.05.2014
Rs.3,86,244/-	15.05.2014
Rs.2,27,436/-	22.05.2014
Rs.5,22,894/-	30.05.2014
Rs.2,98,620/-	07.06.2014
Rs.1,07,448/-	12.06.2014
Rs.26,862/-	12.06.2014

But the claim of the petitioners for interest on delayed payment, was dismissed vide order dated 28.11.2014 (Annexure P-15)

passed by respondent No. 2 by stating that the office has passed speaking order dated 06.11.2013 requesting the Principal Accountant General Haryana to release the pensionary benefit and family pension in favour of petitioner No. 1.

In view of the admission made above, the payments made w.e.f 15.02.2014 till 12.06.2014 were delayed and necessary interest is required to be paid by the respondent-department.

The petition is partly allowed and the respondents are directed to give 9% interest on delayed payment given to the petitioner mentioned above w.e.f 15.02.2014 to 12.06.2014, in view of judgment of Hon'ble the Supreme Court in cases of ***D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2014 AIR (SC) 2861 and Megh Varan Sharma vs. State of U.P and others, 2015 (1) S.C.T (12)*** wherein payment of retiral benefit was delayed by the respondent-department and it has been held that the petitioner was entitled to interest @ 9% per annum from the date of entitlement till the date of actual payment.

(RITU BAHRI)
JUDGE

21.01.2016

G Arora