

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1296 of 2017

Date of decision: September 14, 2017

Alishpa Kumari

...Petitioner

Versus

Jatinderpal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gagneshwar Walia, Advocate for the petitioner.
Mr. Aditya Sharda, AAG, Punjab.

Rajan Gupta, J.(oral)

Petitioner alleges violation of order dated July 13, 2016, passed by the writ court, operative part thereof reads as under:-

“I am of the view that when the petitioner is of minor age of 13 years only. She is not expected to decide, who will be her guardian and then ask the guardian to apply for pensionary benefits. The department should have processed the matter itself on basis of service record of parents of petitioner and deposited the amount in the account of the minor. They could not withhold it until the minor become major.

It being so, I am of the view that the said benefit should have been released immediately after the death of the mother of the petitioner, therefore, for the delayed payment, the petitioner is entitled for the interest @ 9% per annum which is payable after the two months from the date of the death of the mother of the petitioner till the date of actual payment.

The petition stands allowed accordingly.”

Learned State counsel (on instructions from Vipin Kumar, Clerk, who is present in court) submits that needful shall be done within two months from today.

In view of statement made by learned State counsel, no further direction is necessary. In case contempt is not purged in terms of the statement given by the State counsel and gives a fresh cause of action to the petitioner, this court shall consider imposition of exemplary costs, which shall be recoverable from the salary of the officer/officials responsible for the delay.

(RAJAN GUPTA)
JUDGE

September 14, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No