251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11252 of 2016 (O&M)
DECIDED ON: SEPTEMBER 25, 2017

AKHTARI KHUTUN

.....PETITIONER

VERSUS

UNION OF INDIA & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dinesh Ghai, Advocate
for the petitioner.

Mr. Vipul Aggarwal, Advocate
for the respondents No.1 to 3-UOI.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, petitioner has sought a writ in the nature of certiorari for quashing the impugned orders dated February 19, 2015 (P-19), dated January 02, 2016 (P-26) and order dated February 29, 2016 (P-27) whereby, the request of the petitioner for the grant of ex-gratia compensation to the tune of ₹10,00,000/-, on account of death of her husband-Mohd. Sabir Hussen, has been rejected by respondents with further direction to grant the ex-gratia compensation to the tune of ₹10,00,000/- along-with interest @18% per annum on the delayed payment from the due date till the date of actual payment.

2. The question which survives for consideration in the instant case is that as to whether the petitioner is entitled to ex-gratia compensation to the tune of ₹10,00,000/- or ₹5,00,000/- on account of death of her husband.

3. Undisputably, Mohd. Sabir Hussen, No. 1576448/NK/DPMT in harness on June 29, 2002 and at that time, a policy dated September 22, 1998 (P-2), which deals with grant of ex-gratia was applicable to the petitioner. According to said policy, petitioner is entitled to ex-gratia compensation to the tune of ₹5,00,000/-. No doubt, subsequent thereto, another policy dated October 21, 2006 (R-4) be came operative but w.e.f. January 01, 2006. Since the death of husband of the petitioner took place in the year 2002, so she is not entitled as per policy dated October 21, 2006 (R-4). Thus, the case of the petitioner for the grant of ex-gratia compensation is squarely covered within the ambit of policy dated September 22, 1998. A sum of ₹5,00,000/- has already been released by the respondents in favour of petitioner on account of sad demise of her husband.

4. In the light of above narrated facts in, so far as the grant of ex-gratia compensation to the petitioner is concerned, instant petition has rendered infructuous and as such stands disposed of. However, while parting with this order, it would be appropriate to mention that husband of the petitioner was taken away by nature on June 29, 2002 but the payment of ex-gratia amount to the tune of ₹5,00,000/- has been released in favour of petitioner in the month of April 2017 i.e. approximately after 15 years. There is no explanation what to talk of any plausible explanation for such an inordinate delay in making the payment of ex-gratia amount to the petitioner. At the most, the respondent-department could have taken a decision within three months after the demise of husband of the petitioner. Moreover, on account of non-payment of the compensation to the petitioner, petitioner stood deprived of the utilization thereof, for no fault on her part. Thus, she deserves to be compensated by way

of grant of interest on delayed payment.

5. By now, it is well settled that an interest on delayed payment @9% per annum is legally and factually justified. As such, petitioner is entitled to interest @9% per annum after three months from the date of death of husband of the petitioner, till its actual payment. Respondents are directed to respondents are directed to give the interest @9% per annum on the ex-gratia amount.

6. As far as the pension of Vinod Kumar, Senior Accounts Officer is concerned, in view of disposal of instant petition, order dated Marh 29, 2017 whereby, as an interim measure, a direction was issued to the authorities, not to pay pension till further orders, shall cease to operate. In other words, pension of Vinod Kumar retired Senior Accounts Officer is ordered to be released forthwith.

SEPTEMBER 25, 2017 **(JASPAL SINGH)**
sham **JUDGE**

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***