

**CWP No. 14716 of 2016
DECIDED ON: OCTOBER 23, 2017**

KIRAN WALIA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vijay Sharma, Advocate
for the petitioner.

Mr. Ram Tilak Redhu, DAG, Haryana.

Respondent No.4 is proceeded against ex-parte.

None for respondent No.5.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to release three months' i.e. for the month of July, August and September, 2015 as well as to release the retiral benefits including gratuity (DCRG) alongwith interest @ 18 % per annum from the date which it became due.

2. Undisputably, husband of the petitioner stood retired on attaining the age of superannuation on September 30, 2015 as S.S. Mistress, who has been working under the management and control of respondents No.4 and 5.

Though, respondents No.4 and 5 were duly served but did not opt to contest the instant petition. Ultimately, respondent No.4 was proceeded against ex-parte vide order dated May 09, 2017. As far as the stand taken by respondents No.1 to 3 is concerned, the Director, Secondary Education, Haryana, Panchkula has already accorded the sanction vide order dated November 13, 2015 issued on November 30, 2015 for a sum of ₹6,93,509/- as Death-cum-Retirement Gratuity. Further a direction has also been issued to the management for making the payment of the afore-said amount to the petitioner. But, neither the salary for the period claimed by the petitioner i.e. for the month of July, August and September 2015 nor the amount of Death-cum-Retirement Gratuity has so far been released/disbursed to the petitioner. The respondents No.4 and 5 has slipped away from the proceedings and have not come forward to contest or defend the instant petition for the reasons best known to them. Petitioner is legally entitled for the payment of three months salary accrued to her husband as well as Death-cum-Retirement Gratuity regarding which the sanction has already been accorded by the competent authority.

3. Accordingly, instant petition is disposed of with a direction to respondents No.4 and 5 to release the amount of death-cum-retirement gratuity to the petitioner, which already stood sanctioned vide order dated November 13, 2015 and issued on November 30, 2015 by Director, Secondary Education, Haryana as well as salary for the months of July to September, 2015 within a period of one month from the date of receipt of certified copy of this order. Since the sanction for an amount of 6,93,509/- has already been accorded by the competent authority vide sanction order dated November 13, 2015, which was issued on November 30, 2015, respondent No.4 was supposed to comply with

the said direction from the date of its sanction, which has not been done so far in the instant case.

4. Respondents No.4 and 5 are further directed to make the payment of afore-said payment accrued to the petitioner on account of Death-cum-Retirement Gratuity along-with interest @ 9% per annum w.e.f December 01, 2015 till its actual realization. Similarly, petitioner shall also be entitled to interest @ 9% on the delayed payment of three months salary i.e. for the months of July, August, September 2015

OCTOBER 23, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*