

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-19676 -2016 (O&M)
Date of decision: 30.03.2017**

Ashwani Kumar and others

.....Petitioners

versus

The State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.H.S.Dhindsa, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab
Ms.Kavita Arora, Advocate for the respondent no.4

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

The claim of the petitioners is for the release of the retiral benefits of the mother of the petitioners, namely, Nirmala Devi (since deceased), who was working as Safai Sewak with the respondent -Municipal Council, Dhariwal and died in harness on 29.11.2015.

From the perusal of additional affidavit of the respondents, it comes out that a legal heir certificate was required to be submitted, which was submitted only on 26.4.2016 and thereafter, the payments were released

as under:-

<i>Sr.No.</i>	<i>Item</i>	<i>Amount payable</i>	<i>Amount paid/ Date of payment</i>	<i>Balance</i>
1.	Gratuity	Rs.2,32,887/-	Rs.2,32,887/- paid through cheque no.000304 dated 21.11.2016	Nil
2.	Leave encashment	Rs.1,67,846/-	Rs.50,000/- paid through cheque no.000641 dated 24.11.2016	Rs.1,17,846/-
3.	Provident Fund	Rs.1,91,209/-	Rs.1,91,209/- paid through cheque no.000638 dated 21.11.2016	Nil
4.	Salary for the month of November 2015	Rs.20,750/-	Rs.20,750/- paid through cheque no.000617 dated 24.10.2016	Nil
5.	Ex-Gratia	As per provision of Rule 2.7 and annexure to the rule (Reproduced below in para No.4) the petitioner is not entitled to get the same		

Ex-gratia grant has been denied in view of Rule 2.7 of Punjab Civil Services Rules, under which, the petitioners must produce the certificate that they were dependents. In the present case, the petitioners were found by the Deputy Commissioner not to be dependents. As such, ex-gratia payment is not payable. Regarding the remaining payments, when the legal heir certificate was produced on 26.4.2016, the respondents were required to process the same expeditiously. Therefore, in these circumstances, three months time is considered reasonable to release the payments i.e. till 26.7.2016. Therefore, starting from 26.7.2016, the petitioners shall be entitled to interest @ 9% per annum on the delayed payment of gratuity and salary. The interest on leave encashment and provident fund @ 9% per annum, if not already paid, be also paid.

Payments be released within two months from the date of receipt of a

certified copy of this order.

Petition is accordingly allowed.

30.03.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No