

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23005-2014 (O&M)

Date of Decision:-14.11.2017.

Leela Devi

.....Petitioner

Versus

Bhakra Beas Management Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. S.K. Rattan, Advocate for the petitioner.

Mr. Vishnav Gandhi, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

CM-15790-CWP-2017

Affidavit of Sh. Raj Kumar Khanod, Superintending Engineer along with Annexures R-1 to R-3 are taken on record. Exemption is granted from filing certified and true typed copy of the same.

CM stands allowed subject to all just exceptions for the reasons stated in the application as well as affidavit. With the consent of counsel for the parties, main matter is taken up.

CWP-23005-2014

In the instant writ petition, petitioner has challenged the communication dated 1.4.2014 (Annexure P-23) issued by the respondent No.3 by which claim of the petitioner for grant of solatium amount on the death of her late husband Sh. Harbans Lal, Auto Mechanic who died on

13.1.2007 has been declined on the ground of delay. During pendency of this petition, the respondents have extended the benefit of solatium amount to the extent of ₹ 3,75,581/- on 21.02.2015. In this background, whether the petitioner is entitled to interest on the belated settlement of solatium or not is the question involved in the present petition. Undisputed facts are that petitioner's husband while working as a Auto Mechanic with the respondents died on 13.1.2007. Petitioner is an illiterate lady and wife of the deceased employee. For the purpose of extending any service benefits or monetary benefits in respect of deceased, it was bounden duty of the employer to come forward and extend the benefit. Petitioner being an illiterate, the employer should have apprised her of what are the claims and how to obtain by making necessary application form etc. There is a lapse on the part of the respondents in not disbursing the solatium amount of ₹ 3,75,581/- timely in the year 2007. Therefore, the concerned respondent is hereby directed to pay interest for the period from 1.1.2008 till 20.2.2015 on the solatium amount of ₹ 3,75,581/- @ 6% per annum. The same shall be calculated and disbursed to the petitioner within a period of 3 months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

November 14, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.