

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6520-2012 (O&M)

Date of decision: 09.02.2017

Kamla Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ravi Verma, Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana

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.

Petitioner is a retired Lecturer in Hindi from Education Department of State of Haryana. The claim of the petitioner is that during pendency of the petition, 1st ACP as well as 3rd ACP have been granted. However, regarding 1st ACP, the benefit of one increment equal of 3% of the pay was not granted in view of the instructions dated 13.5.2010. Further prayer is for grant of interest on the delayed payment of retiral benefits claiming that the petitioner retired from service on 30.11.2011 and the retiral benefits were released on different dates.

It comes out that the instructions dated 13.5.2010 have already been quashed by this Court in Narender Pal Singh Arya and another vs. State of Haryana and others, 2017(1) SCT 254. Therefore, the benefit of one increment equal of 3% of the pay could not be denied on the basis of the said

instructions. Therefore, the same is also to be granted to the petitioner on the 1st ACP w.e.f. 1.1.2006.

Now, coming to the second question regarding delayed payment. It comes out that the retiral benefits were releasd with delay. Therefore, the petitioner is entitled to interest on the delayed payment starting three months from the date of retirement till date of actual payment @ 9% per annum. Needful be done within three months from the date of receipt of a certified copy of this order.

Petition is accordingly allowed.

09.02.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

/No