

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

Sr. No.203

**Civil Writ Petition No.3557 of 2014
DECIDED ON: October 26, 2017**

URMILA GARG

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. Charanjit Singh Bakshi, Additional Advocate General,
Haryana.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ 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 regularize the pension of the petitioner w.e.f October 01, 2011 and to award the interest @ 18% per annum on the delayed payment of death-cum-retirement gratuity amounting to Rs.6,59,848/- as well as on the amount of leave encashment in respect of 300 un-utilized earned leave amounting to Rs.4,06,060/- from September 30, 2011 till its actual payment.

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2. Though, none has opted to appear on behalf of the petitioner despite the fact that the case has been called several times, with the assistance of the learned State counsel Mr. C.S. Bakshi, Addl. A.G., Haryana, this Court has gone through the entire record.

3. After issuance of notice of motion and during the pendency of instant petition, supplementary reply by way of affidavit of A.K. Mehta, Deputy Director-cum-Executive Engineer, Research Lab., PWD(B&R) Branch, Hisar on behalf of respondents No.1 to 3 was filed.

4. A glance at the aforesaid reply-cum-affidavit, makes it crystal clear that in pursuance of the instructions dated April 16, 2012 (R-2) issued by the Finance Department, Haryana, the pay of the petitioner was re-fixed w.e.f. January 01, 2006 by providing her benefit of one increment vide office order No.90, dated December 12, 2012 (R-3). Resultantly, the pay of the petitioner was fixed at the stage of Rs.25,340/- w.e.f. July 01, 2011 as depicted in the aforesaid order dated December 12, 2012 (R-3).

5. As far as the aforesaid order dated December 12, 2012 (R-3) is concerned, the same has been impugned/challenged by the petitioner vide separate Civil Writ Petition No.21241 of 2013, which has since been admitted for hearing by this Court.

6. As far as another relief with regard to grant of interest is concerned, though petitioner has claimed interest @ 18%, but in view of settled proposition of law and by the canons of judgment passed by this Court and Hon'ble Apex Court, petitioner is entitled to the interest as prevalent in the Bench. The petitioner has already been granted interest @ 8% per annum on the delayed payment of Death-cum-Retirement Gratuity (DCRG) as well as Leave Encashment. This fact has been clearly

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depicted in para No.3 of the aforesaid supplementary reply-cum-affidavit of Mr. A.K. Mehta.

7. In view of the aforesaid facts and circumstances and the fact that interest has already been paid to the petitioner, instant petition has rendered infructuous and as such, same stands disposed of.

8. However, since order No.90, dated December 12, 2012 (R-3) is already challenged by way of another Civil Writ Petition No.21241 of 2013, the relief regarding the same is kept open in this writ petition.

October 26, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No