

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

**CWP No. 6354 of 2015**

**Date of Decision: 09.01.2017**

***SANJAY KUMAR***

***... Petitioner***

**VS.**

***STATE OF HARYANA AND ORS***

***..Respondents***

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. R.S. Malik, Advocate,  
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

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**KULDIP SINGH, J. (Oral)**

The petitioner has preferred the present writ petition under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the impugned speaking order dated 18.04.2014 (Annexure P-7) passed by the respondent No. 2 by which the claim of the petitioner regarding interest on the delayed payment of ex-gratia financial assistance was declined. It is further prayed for issuance of a writ in the nature of mandamus for directing the respondents for granting 18% interest on the delayed payments of ex-gratia financial assistance.

Brief facts of this case are that Balwan Singh, father of the petitioner, was working as Volleyball Coach in the office of District Sports and Youth Welfare, Jind. Balwan Singh died in harness on 06.07.2007 when he was 52 years 7 months and 2 days old. He left behind his 3 legal heirs; his wife (Roshni); his daughter (Kiran); and his son (Sanjay). On 18.08.2007, his wife Roshni also died. Thereafter, his daughter Kiran submitted an affidavit dated 08.09.2007 in favour of the petitioner stating that she will not raise any

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objection and will not make any claim in the emoluments of his father if the same were released to his brother Sanjay.

It comes out from the reply that on 16.07.2008, the Director Sports and Youth Affairs, Haryana has addressed a communication to respondent No. 4 i.e. Accountant General, Haryana for releasing the consequential benefits of deceased-Balwan Singh. However, respondent No. 4 has raised some objections regarding documents such as No Due Certificate (NDC) and death certificate and justification on cutting and overwriting. As per the Last Pay Certificate (LPC), some recovery of House Building Advance and Motorcycle Advance was recoverable from the deceased Balwan Singh. Therefore, NDC was required from the office of the District Sports and Youth Welfare, Jind-respondent No. 3 to remove the objections raised by the respondent No. 4 and it was required to return the matter to the office of respondent No. 4 after getting it completed from the legal heirs of the deceased Balwa Singh. The reply further discloses that the following payments were released:-

| <b>Sr. No.</b> | <b>Particulars</b>        | <b>Amount (in ₹)</b> | <b>Date of payment</b> |
|----------------|---------------------------|----------------------|------------------------|
| 1.             | GIS                       | 90,840/-             | 17.02.2007             |
| 2.             | Medical Reimbursement     | 34,039/-             | 02.07.2007             |
| 3.             | Arrear of pay for 06/2007 | 4,063/-              | 19.07.2007             |
| 4.             | DCRG                      | 2,40,576/-           |                        |
| 5.             | Leave Encashment          | 2,00,480/-           | 01.10.2007             |
| 6.             | GPF Final Payment         | 3,60,540/-           | 17.12.2008             |
| 7.             | Ex-Gratia                 | 25,000/-             | 19.02.2008             |
| 8.             | Medical Reimbursement     | 2,19,733/-           | 17.07.2008             |

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|     |                                                  |                    |            |
|-----|--------------------------------------------------|--------------------|------------|
| 9.  | 40% arrear of revised pay                        | 27,587/-           | 28.09.2008 |
| 10. | Revised leave encashment                         | 38,430/-           | 01.12.2009 |
| 11. | 30% Arrears of Revised Pay                       | 20,688/-           | 15.03.2010 |
|     | <b>Total amount released till<br/>15.03.2010</b> | <b>12,61,976/-</b> |            |

The petitioner is stated to have requested for a waiver of loan vide letter dated 22.02.2009. The said letter was forwarded by the respondent No. 3 and the same was declined by the Chief Secretary, Government of Haryana vide letter dated 29.05.2009. The petitioner vide letter dated 27.12.2010 requested the department that the outstanding House Building Advance and Motorcycle Advance may be deducted from the dues of his deceased father. The department vide letter dated 17.06.2011 requested the petitioner to deposit the outstanding loan amount of ₹89,746/- so that No Objection Certificate (NOC) can be issued. The petitioner failed to deposit the same. The petitioner also file a writ petition bearing CWP No. 7853 of 2011 in which it was directed that parties have agreed that claim made by the petitioner can be granted with a condition subject to submitting of the appropriate papers and fulfilling of the requisite formalities. The petitioner also filed a contempt petition bearing COCP No. 1232 of 2013.

Now, the prayer of the petitioner is for payment of interest on the delayed payment of ex-gratia financial assistant and other consequential benefits which was released to the petitioner with delay.

I have heard learned counsel for both the parties and carefully gone through the case file.

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On the death of the father of the petitioner, the department was required to process the case promptly and released the pensionary benefits. The chart given by the respondents themselves show that some of the benefits were released within three months from the date of the death of Balwan Singh. However, about GPF, Ex-gratia and medical reimbursement and some other benefits mentioned at serial No. 6 to 11 of the said chart, these were released with delay and there is no justification for such delay. Therefore, the department is liable to pay interest @ 9% interest per annum on the said arrears mentioned at the serial No. 6 to 11 starting three months from the date of death of the deceased employee and in case of arrears, when it became due till its payment.

So far as the ex-gratia is concerned, the petitioner was also required to file an application for financial assistance which according to the respondents, was filed by the petitioner on 23.12.2010. However, in the written statement, it is disclosed that ₹25,000/- has already been paid to the petitioner on 19.02.2008 on account of Ex-gratia amount. Therefore, the remaining amount of ex-gratia be also released to petitioner alongwith interest @ 9% per annum starting three months from the date of filing of the application i.e. 23.12.2010 till its payment within three months from the date of receipt of certified copy of this order.

In view of the above, the petition stands allowed to the above noted extent.

**January 9, 2017**

Suresh Kumar

**[ KULDIP SINGH ]  
JUDGE**

***Whether speaking / reasoned :***

✓  
**Yes / No**

***Whether Reportable :***

✓  
**Yes / No**