

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

**CWP No. 8811 of 2015
DECIDED ON: NOVEMBER 27, 2017**

SANTOSH

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saurabh Dayal, Advocate
 for the petitioner.

 Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 of the Constitution of India, petitioner has sought for the issuance of a writ in the nature of certiorari seeking quashing of the order dated 04.02.2012 passed by respondent No.3, with further prayer for issuance of direction to grant her the interest on the delayed payment of DCRG and the ex-gratia amount as per government instructions and further compensation and penalty for the suffering borne by her.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner namely Sultan Singh joined the services under the Haryana State Government as Jeep Driver in Irrigation Department (Vigilance Division), Rohtak. Unfortunately, husband of the petitioner was taken away by nature on 31.12.2008. On account of his early demise, certain benefits accrued to the petitioner which were to be released immediately after the demise of her husband, were released to her on 18.10.2011 i.e after about 2 years and 10 months. The delay, if any in the disbursement of the afore-said benefits cannot be attributed to the petitioner. Rather, it is solely attributed to the respondents who were supposed to take up the case of the petitioner immediately, on the demise of her husband and to release the benefits to which petitioner is legally entitled under the service rules.

3. In fact, no interest on the delayed payments of DCRG and ex-gratia amount has been paid, which is violative of the instructions dated 20.02.2002 issued by the Government of Haryana. Constrained with the in-action on the part of the respondents in non-payment of benefits timely petitioner served legal notice dated 24.06.2012 upon the respondent No.1 calling upon to look into the matter and grant interest on the delayed payments w.e.f. 31.12.2008. Subsequent thereto, petitioner also filed CWP No. 1070 of 2012 whereby, respondents were directed to consider the claim of the petitioner and to dispose of the same in accordance with law. But without considering the same in the light of afore-said instructions, her claim was dismissed by the department vide impugned order 04.02.2012, which necessitated the filing of instant petition.

4. On the other hand learned State counsel has ebulliently argued that in the light of orders passed by this Court dated 03.09.2012 while disposing of CWP No. 1070 of 2012 titled as Santosh vs. State of Haryana, the case of the petitioner was considered at length and the same was rejected, as she was not found entitled to the interest. The delay, if any has occurred in disbursement of DCRG and ex-gratia amount is solely attributed to the petitioner who did not fulfil and submit the necessary documents within time as and when the documents were submitted, within short span of time the amount on account of DCRG as well as ex-gratia were released to her. Thus, instant petition being devoid of merits deserves to be dismissed.

5. This Court has weighed to the rival submissions made by learned counsel for the parties and has minutely gone through the documents available on file.

6. Undisputably, husband of the petitioner namely Sultan Singh was taken away by nature on 31.12.2008. After the demise of her husband, it was the bounded duty of the petitioner to submit the requisite papers such as her signatures, photographs, original death certificate etc. for the release of amount of DCRG and ex-gratia. Those documents were submitted with much delay i.e. on 24.08.2011 in the office of SDO, Vigilance Sub Division, Rohtak, which were subsequently, processed and sent to the office of Accountant General (A&E), Haryana, Chandigarh on 30.08.2011. The approval was accorded by Accountant General (A&E), Haryana, Chandigarh vide its office letter No. Pen/2/2111996219962/3/P/11/11/349, dated 21/29.09.2011 and an amount of

₹2,78,289/- was received by the petitioner. Similarly, an application for the payment of ₹25,000/- was submitted by the petitioner on 26.07.2011 in the office of Executive Engineer, Vigilance Division, Rohtak where her husband was posted. Though, husband of the petitioner was expired on 31.10.2008 and after completion of necessary documents her case was processed and an amount of ₹25,000/- stood sanctioned on 28.11.2011 and subsequently, it was released to the petitioner through Bank Draft. So, the delay if any, has occurred in the disbursement of afore-said amount to the petitioner cannot be attributed to the respondents alone and the petitioner is also equally responsible for it.

7. Thus, this Court is of the considered view that the claim with regard to interest on the delayed payments of DCRG as well as ex-gratia has rightly been declined by the respondents vide impugned order 04.12.2012. Otherwise also, there is no infirmity or illegality in the impugned order. Rather, the same is absolutely in consonance with the proposition of law.

8. In view of the afore-said narrated facts, this Court does not find any merit in the instant petition. As such, it stands dismissed with no order as to costs.

NOVEMBER 27, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>