

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.388 of 2015 (O&M)

Date of Decision: 21.03.2017

The State of Punjab and another

... Appellants

Versus

Rekha Rani

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil Sharma, Addl. AG, Punjab.

Mr. Inderjeet Sharma, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J.

This State appeal succeeds qua imposition of interest on the State @6% per annum on the delayed payments of pension and pensionary dues to the widowed daughter of the deceased Government servant.

Having regard to the findings recorded and the conclusions reached by the trial Court noticed at page 26 of the paper-book and the conclusions at page 30, I have no doubt that the lower appellate Court was justified in upholding the findings of the trial Court imposing conditions on release of pension and pensionary benefits subject to supply of a missing report from the Police Station and requiring the plaintiff to produce those documents before the department before her claim could be processed for release of money but the first appellate court seriously erred in awarding 6% interest on those amounts for no fault of the Government. It may be noticed that the Government servant from whom claim was made went missing

never to be found. The law required a declaration from a court of law by decree of civil death which could take place only with the passage of seven years from the date person is not found by those expected to know of his whereabouts.

The State is in appeal only against the impugned direction of award of interest and I have no doubt on hearing learned counsel that there was no intentional delay on the part of the Government or any malice on its part in withholding the pension etc. subject to production of proof of civil death and completion of necessary formalities including indemnification and, therefore, could not be saddled with interest in the facts and circumstances of this case.

The appeal is, accordingly, allowed with costs against the plaintiff throughout and in favour of the State duly recoverable by due process. The plaintiff is free to execute the decree minus the element of interest.

(RAJIV NARAIN RAINA)
JUDGE

21.03.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*