

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1863 of 2016(O&M)

Date of Decision:-16.02.2018

Damayanti Yadav.

.....Petitioner.

Versus

**Ms. Shashi Gulati, IAS, Addl. Chief Secretary, Women & Child
Development Department, Haryana & Anr.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Suresh Kumar Yadav, Advocate for the Petitioner.

Mr. D.K. Mittal, Deputy Advocate General, Haryana
for the respondents.

JASWANT SINGH, J.

Learned Counsel for the petitioner submits that although the entire dues have been paid, however, no interest for an amount of around Rs.1 Lac has been paid on the arrears of the revised pay and the consequent revised pension and gratuity after grant of 1st ACP in the Grade Pay of Rs.4200/- w.e.f. 01.01.2006 and 2nd ACP in the Grade Pay of Rs.4600/- w.e.f. 01.12.2007 in the Pay Band-II of Rs.9300-34800/-.

After hearing learned Counsel for the parties, no case for continuing the present contempt is made out.

It is conceded that the petitioner on attaining the age of superannuation of 58 years, has retired on 30.04.2012 from the rank of Child Development and Programme Officer. She filed CWP No.17483 of 2013, after a delay of more than one year since retirement and a delay of 6/7 years from the cause of action with respect to grant of 1st and 2nd ACP Grade Pay. She also claimed the consequent refixation of her pay and release of revised admissible retiral benefits. During the pendency of the writ petition the benefit of the ACP was granted and the writ petition was disposed of vide order dated November 27, 2014 by granting liberty to the petitioner to approach the Authorities with regard to claim of revised pensionary benefits as also interest on account of delayed release of the retiral benefits. The Authorities were further directed to decide the claim within a period of 08 weeks from the date of submission or approach by the petitioner. The present contempt was filed since allegedly 22 weeks had passed and no decision had been taken.

Upon notice replies have been filed. Along with the replies the statutory forms seeking revised pension are shown to have been forwarded in October 2016 and thereafter the benefits of revised retiral benefits released in November 2016. It is conceded that even the interest upon the delayed release of ACP grades was paid. Although the petitioner was guilty of delay in claiming the same. It is not the claim of the petitioner that the payment of the original retiral benefits were delayed, however, it is only after the claim of the grant of ACP grade

pay, the claim for revised retiral benefits had accrued and there does appear to be some reasonable delay in releasing the revised amount.

In the facts of the case, this Court finds no case for continuing the present contempt proceedings, however, the petitioner would be free to pursue the matter with the department.

Accordingly, the present contempt petition is disposed of in the above terms.

(JASWANT SINGH)
JUDGE

February 16, 2018
Vinay

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