

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10690 OF 2013
DECIDED ON: AUGUST 27, 2018

MANGTI DEVIPETITIONER..

VERSUS

STATE OF HARYANA AND ORS.RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Satnam Sishodia, Advocate for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. Sachin Gupta, Advocate for respondent No.3.

JASPAL SINGH, J (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ particularly in the nature of mandamus, directing the respondents to release the retiral benefits and interest on the delayed payment of leave encashment, gratuity, arrear of family pension and leave travel concession etc. accrued to the petitioner on the sudden demise of her husband namely Dharmpal, Safai Sewak.

2. Concededly, the husband of the petitioner namely Dharmpal was taken away by the nature on 20.05.2009 while working as Safai Sewak with respondent(s), however, the benefit accrued on account of his sudden demise to the petitioner, who is none else but his wife, was paid after an inordinate delay, for which, there is no explanation. It is also an admitted fact that at the time of

demise of husband of the petitioner, neither any inquiry nor any judicial proceeding was pending against him. Even, some of the benefits were released/disbursed to the petitioner in the year 2013. At the most, the benefits accrued to the petitioner should have been released to her within a period of 6 months from the date of sudden demise of her husband, which has not been done in the instant case. As a result of non-disbursement of the benefits timely, petitioner must have suffered not only the pecuniary loss but also mental one. Thus, she can only be compensated by way of grant of interest to which respondent No.3-Municipal Committee, Ladwa, Kurukshetra is otherwise bound to compensate.

3. Without expressing much on the merits of the case but while considering the fact that there is certainly a delay on the part of Municipal Committee, instant petition is disposed of with the direction to respondent No.3-Secretary, Municipal Committee, Ladwa, Kurukshetra to pay interest @ 9% per annum after the expiry of 6 months period from the date of demise of husband of the petitioner i.e. 20.05.2009 till the actual payment of the various benefit(s). Respondent No.3 is further directed to calculate and make the payment of interest within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of aforesaid direction, the petitioner shall be at liberty to approach this Court as well as to have recourse to the other remedies available under law.

AUGUST 27, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes/No*