

CWP no.13709 of 2016 (O&M) 1

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

**CWP no.13709 of 2016 (O&M)
Date of Decision : 26.03.2018**

Kudrat Kaur and another

....Petitioner(s)

Versus

Chandigarh Administration through Home Secretary and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr.H.S.Madan, petitioner in person

**Mr.Namit Kumar and
Ms.Shubreet Kaur, Advocates for UT, Chandigarh**

Mr. Brijesh Mittal, Advocate for respondent no.4

MAHESH GROVER, J.(ORAL)

The petitioner who is father of an unfortunate girl who committed suicide in 2005 approached the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal') with a grievance that her service benefits pension etc. ought to be released to the deceased's surviving heir, a minor daughter- Kudrat Kaur.

The application was accepted and keeping in view the totality of circumstances, the Tribunal concluded in favour of the petitioner, entitling him to benefits with effect from October, 2005 i.e 6 months after the date of

death which benefits were to accrue and be paid alongwith interest at the rate of 10% per annum. The period of six months was taken by the Tribunal to be a normal period consumed in completing the relevant documentation etc.

It is not in dispute that payments were indeed made by the UT Administration periodically even during the pendency of the application before the Tribunal and upon the orders passed by the Tribunal, interest till the date of releasing of various amounts at the rate granted was also made.

The petitioner has still made a grievance of a shortfall which he, however, could not substantiate. He has appeared in person and it seems that more of his grievance is driven by the anguish of the tragedy that he faces in his personal life.

We have heard him at length and repeatedly over a period of time to ensure that his entitlement, if any, is satisfied in totality.

Learned counsel for the UT, Chandigarh Sh.Namit Kumar and Ms. Shubhreet Kaur have been adequately fair in their response to ensure that the claims were duly satisfied.

After making certain unsuccessful attempts in highlighting the shortfall which did not satisfy the test of legality, we are of the opinion that the petition deserves a closure. The petitioner prays for costs of litigation. We cannot be oblivious to the fact that the situation did arise where the petitioner has been in courts for a sufficiently long number of years. Ordinarily the order of the Tribunal which takes into consideration the concerns of the petitioner would have been sufficient to warrant no further intervention. We also notice that though the guardian certificate was issued in October, 2011 by the court of competent jurisdiction, the first payment

released over a period of 3 years or so. Therefore, there has been some lapse on the part of the Administration; although a counter argument has been made by the Administration that delay, if any, was duly compensated by paying interest but we are of the opinion that legitimate due cannot be delayed, because the person placed in an unfortunate situation can possibly be in dire need of money to tide over his problems.

Therefore, in order to settle equities, we direct the Administration to pay compensatory costs of Rs.20,000/- to the petitioner within a period of one month from the date of receipt of certified copy of this order.

Disposed of in above terms.

(Mahesh Grover)
Judge

(Rajbir Sehrawat)
Judge

26.03.2018	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No