

LPA-517-2016

-1-

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

LPA-517-2016

Date of Decision: September 13, 2018

Suchita Dhull

.....Appellant

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Rajesh K.Kataria, Advocate for the appellant.

Ms.Shubhra Singh, Addl.AG, Haryana.

.....

SURYA KANT, J.(ORAL)

The appellant is aggrieved by the order dated 12.02.2016 passed by learned Single Judge to the extent of denying her interest on the delayed payment of gratuity and other service benefits of her late husband as the learned Single Judge deemed it appropriate to award a lump-sum amount of ₹25,000/- to her.

[2] The facts are not in dispute. The husband of the appellant was working as Inspector in Food and Supply Department, Haryana when he died while in service on 30.03.2002. At that time a charge-sheet for major penalty was statedly pending against him, but the same was dropped after his death. Similarly, a sum of ₹5,60,576/-, was statedly recoverable from the deceased-employee for certain work deficiencies. The additional affidavit filed today in Court reveals that the alleged liability towards these amounts

was determined much after the death of the deceased, i.e. on 16.03.2010,

18.02.2009 and 04.11.2010 (except ₹77,946/-). It is, thus, obvious that the deceased had no opportunity to defend himself or to give explanation with regard to these recoveries which the respondents have themselves now waived off. It is also not in dispute that most of the dues were paid after a period of 7-8 years.

[3] Taking into consideration all these circumstances, it appears that ₹25,000/- as lump-sum compensation may not be adequate. The appellant deserves to be compensated with interest on all the retiral or other service benefits of her deceased husband for the delayed period. She is, therefore, held entitled to simple interest @ 7% per annum. Ordered accordingly. The interest shall be payable w.e.f. 01.10.2002 till the date of actual payments. The interest shall be calculated within a period of three months from the date of receipt of a certified copy of this order. While paying interest, the respondent shall be at liberty to deduct the lump-sum amount of ₹25,000/- awarded by the learned Single Judge.

[4] Disposed of.

**(SURYA KANT)
JUDGE**

September 13, 2018
meenuss

**(SUDIP AHLUWALIA)
JUDGE**

- | | | |
|----|------------------------------------|---------------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |