

COCP No. 1083 of 2018
DECIDED ON: JULY 04, 2019

BALWINDER SINGH

.....PETITIONER

VERSUS

KRISHAN KUMAR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: None for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading that the order dated 30.11.2017 passed by this Court in CWP No. 26846 of 2014 has not been complied with. The operational part of the order is reproduced below:-

“4. Considering the facts of the case in hand, as per reply dated July 03, 2015, GIS, Death-cum-Retirement Gratuity, Revised DCRG, GIS Linked Insurance, General Provident Fund, Grade revision, Ex Gratia and medical bills etc. were made on different dates i.e. even after the expiry of three months from the death of the wife of the petitioner. It is a settled principle that grant of interest on the delayed payment is on account of the fact that retiree/family of deceased employee was unable to enjoy its fruits immediately on his retirement/death of the employee and then a right accrues to them to be compensated and the only way to compensate them is to pay interest for the period of delayed payments. Now, a question arises as to the period in which the retiral benefits should be disbursed to the retiree/family of deceased employee.

5. *Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 9% per annum, on the delayed payment after expiry of three months from the date of submission of death certificate of Smt. Sarabjit Kaur till the actual payment(s), is legally and factually justified and order is made accordingly. Thus, respondents are directed to calculate and make the payment of the interest on the delayed payment(s) within a period of three months from the date of receipt of a certified copy of this judgment.*
6. *Disposed of accordingly.”*

Reply dated 14.11.2018 filed on behalf of respondent No.2 by way of short affidavit of Sukhjeet Pal Singh, Director Public Instruction (S.E), Punjab is already on the file.

As per reply, it is evident that interest amounting to ₹1,02,685 accrued to the petitioner on account of late payments of retiral and medical bills of his deceased wife has been paid to him.

In view of above, nothing survives in the present contempt petition and the present petition is disposed of as infructuous.

The rule issued against the respondent(s) is discharged.

JULY 04, 2019
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(AVNEESH JHINGAN)
JUDGE

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