

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13698 of 2019

Date of Decision : 22.05.2019

Lichhma Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which is being raised by the petitioner is that her late husband was placed under suspension on 06.10.2008 pending enquiry and was charge-sheeted on 27.07.2009.

During the pendency of the disciplinary proceedings, husband of the petitioner was reinstated on 01.01.2010. Enquiry Officer exonerated the husband of the petitioner of the allegations alleged in the charge-sheet and ultimately, vide order dated 28.04.2010, the said disciplinary proceedings were dropped. Husband of the petitioner was to superannuate on 30.04.2010 and he was allowed to retire with the condition that the decision with regard to his suspension period from 06.10.2008 till 01.01.2010 will be decided later on.

Learned counsel for the petitioner argues that vide order dated 07.12.2017 i.e. after a period of more than seven and half years, the period of suspension of the husband of the petitioner was treated as a duty period for all intents and purposes. Learned counsel for the petitioner argues that though the petitioner has been paid the arrears of salary for the period 06.10.2008 till 01.01.2010 but no interest has been given to the petitioner though, the said decision has been taken after a period of seven years after the retirement of the husband of the petitioner and thereafter the husband of the petitioner,

unfortunately, died on 11.06.2012.

The prayer in the present writ petition is for the grant of interest on the payment which has been released now after treating the suspension period from 06.10.2008 till 01.01.2010 as a duty period for all intents and purposes.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 03.04.2018 (Annexure P-9) to the Managing Director of the respondent-CONFED and the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the said representation by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representation, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the representation dated 03.04.2018 (Annexure P-9) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to her within a period of next three months.

The writ petition stands disposed of.

May 22, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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