

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

**(233)**

**CWP-25541-2016**

**Date of Decision: July 02, 2019**

**Malkiat Kaur**

**.. Petitioner**

**Versus**

**State of Haryana and others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. R.K. Chaudhary, Advocate, for  
Mr. K.L. Dhingra, Advocate, for the petitioner.

Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

In the present writ petition, the petitioner has made several prayers including the release of the pensionary benefits in respect of service rendered by her late husband Surjit Singh along with interest.

In reply to the writ petition, the respondents have stated that all the benefits have already been given to the petitioner and with regard to the question of interest, it has been mentioned in paragraph 11 that concerned DDOs have been directed vide letter dated 03.10.2017 to pay the interest on the delayed payments if payable in view of the instructions dated 20.02.2002 issued by the Finance Department of Haryana. The relevant portion of the reply is as under:-

*“4. That as per reports of the concerned DDOs i.e. Sub-Divisional Officer (Civil), Brara, Jagadhari, Kaithal, the pension of the petitioner's husband has been revised and payment of arrears of pay, gratuity, GIS has also been paid to the petitioner, details of which are as under:-*

| Sr. No.                                                                                 | Particulars of Payment          | Amount in Rupees | Office DDO        | Remarks                                        |
|-----------------------------------------------------------------------------------------|---------------------------------|------------------|-------------------|------------------------------------------------|
| 1.                                                                                      | GPF Final Payment               | 763491-00        | SDO Barara (C)    | Bill No.29 dated 31.03.2010                    |
| 2.                                                                                      | Leave encashment                | 251460-00        | SDO Barara (C)    | Bill No. 2 dated 20.04.2012                    |
| 3.                                                                                      | Leave Encashment Arrear         | 26540-00         | SDO Barara (C)    | Bill No.66 dated 04.07.2017                    |
| 4.                                                                                      | Salary arrear                   | 151347-00        | SDO Barara (C)    | Bill No.34 dated 12.05.2017                    |
| 5.                                                                                      | Salary Arrear                   | 57517-00         | SDO Barara (C)    | Bill No.71 dated 11.07.2017                    |
| 6.                                                                                      | GIS                             | 20475-00         | SDO Barara (C)    | Bill No.89 dated 11.09.2017                    |
| 7.                                                                                      | Salary Arrear                   | 413024-00        | SDO Kaithal (C)   | Deposit in the A/C of petitioner on 02.05.2017 |
| 8.                                                                                      | Salary Arrear                   | 262309-00        | SDO Karnal (C)    | Deposit in the A/C of petitioner on 10.07.2017 |
| 9.                                                                                      | Salary Arrear                   | 9140-00          | SDO Jagadhari (C) | Pay order No.09000480 22, dated 28.06.2017     |
| <b>Payment to be made by Accountant General (A&amp;E) Haryana i.e. respondent No.5.</b> |                                 |                  |                   |                                                |
| 1.                                                                                      | Gratuity                        | 389,763-00       |                   | Paid on 30.03.2012                             |
| 2.                                                                                      | Revised Gratuity arrear         | 41137-00         |                   | Released on 24.08.2017                         |
| 3.                                                                                      | Revised pension (basic pension) | 10945-00         |                   | Released on 24.08.2017                         |

*11. That in reply to para No.11 of the petition, it is submitted that the judgment cited in this para is not disputed. However, it is submitted all dues/arrear of pay and pension and difference of other retiral dues have been paid to the petitioner by the*

*concerned DDOs, detail of which have already been given in para-3 of preliminary submission.*

*It is further submitted that the concerned DDOs have been directed vide letter No.868-E-I-2016/8361, dated 03.10.2017 to pay interest on delayed payment, if payable any, in view of the instructions No.1/2 (152)-01-2FR-II, dated 20.02.2002 issued by the Finance Department, Haryana.*

***A copy of letter No. 868-E-I-2016/8361, dated 03.10.2017 is annexed herewith as annexure R-2.”***

Learned counsel for the petitioner argues that no order has been passed by the concerned DDOs in respect of the letter dated 03.10.2017 for the grant of interest and the matter is being kept pending without any valid justification. Counsel further states that the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to pass appropriate orders on the claim of the petitioner for the grant of interest on the delayed payments.

Learned counsel for the respondents states that State has no objection if a direction is issued to the respondents for deciding the claim of the petitioner for the grant of interest keeping in view the letter dated 03.10.2017 written by the respondents, as mentioned in paragraph 11 of the reply, in a time bound manner.

The present writ petition is disposed of with a direction to the competent authorities/DDOs to pass an appropriate speaking order in respect of the claim of the petitioner for the grant of interest on the delayed payments within a period of two months from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for interest after the said decision, the same shall also be released to the petitioner within a period of one month thereafter.

**July 02, 2019**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No