

CWP-6408-2014

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

CWP-6408-2014

Date of Decision: 16.01.2019

Kamlesh and others

... Petitioners

vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Ms. Deepali Puri Sandhu, Additional Advocate General, Punjab
for respondents No.1 and 2.

Mr. Mehar Deep Singh, Additional Advocate General, Punjab
for respondents No. 3 and 4.

HARSIMRAN SINGH SETHI, J

The present writ petition is filed by the legal heirs of one Kapoor Chand, claiming the benefit of the service rendered by him with respondent No.3.

As per the averments made in the petition, on 06.02.2010, said Sh. Kapoor Chand died leaving behind the legal heirs and, therefore, after the death, the petitioners became entitled for the benefits amounting to Rs.6,66,400/-.

Learned counsel for the petitioners had made a claim for grant of interest from 06.02.2010 till 28.08.2013 i.e. when the payment was made.

Learned counsel for the respondent(s) states that the delay in releasing the amount was only on the ground that one Smt. Gurpreet Kaur, served a legal notice upon the respondent(s) claiming the wife of said Sh. Kapoor Chand. As the dispute regarding the claim had been raised by Smt. Gurpreet Kaur, before verifying the actual facts and the identity of the actual

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legal heirs, the amount could not have been released in favour of the petitioners. It is only after due inquiry, when it was found that it is the petitioners, who are the actual legal heirs of Sh. Kapoor Chand, the amount was released immediately.

There is no replication to the averments which have been made by the respondents in the writ petition.

Once there was a dispute about disbursement of the amount as there were more than one claimant, it was incumbent upon the respondents to solve the said dispute before making the payment. Once, after initiating the inquiry, it was found that it was the petitioners who were entitled for the relief, the same was released immediately. Under these circumstances, the delay was not without any valid justification.

It is only in the case where the delay is without any valid justification, an employee is entitled for the interest.

Further, this Court has been informed that son of Sh. Kapoor Chand, namely, Avinash Kapoor (petitioner No.2) has already been appointed on compassionate ground with the respondent(s)-Corporation.

Under these circumstances, no relief of interest can be granted to the petitioners.

The writ petition stands dismissed.

16.01.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No