

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

CWP-4280 of 2018

Date of decision: - 30.08.2019

Mohan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.S. Saini, Advocate for the petitioners.

Mr. Navdeep Chhabra, D.A.G., Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the claim of the petitioners is for the grant of the benefit of arrears of ACP amounting to ₹1,88,055/-, which according to them, had already been calculated by the respondents and the bill had already been sent in this regard to the Treasury but the payments were not being released.

At the time of hearing, learned counsel for the petitioners very fairly states that the payment of ACP amounting to ₹1,88,055/- has already been received by the petitioners being the legal heirs of deceased Gurmail Singh, in respect of whose service benefits, the said amount was received by them. They pray for the grant of interest on the said delayed payment.

Learned counsel for the petitioners further states that even the other

benefits, which the petitioners claiming, have already been released.

The only claim of the petitioners which remains, is for the grant of interest on the aforesaid delayed payments. In order to appreciate this controversy, certain facts are necessary to be recorded. The father of the petitioners, namely, Gurmail Singh, was appointed as a Beldar in the year 1988. In the year 1991, he was promoted as Mason from which post, said Sh. Gurmail Singh ultimately retired on 31.08.2014. After the superannuation, the retiral benefits were released in favour of said Sh. Gurmail Singh. Sh. Gurmail Singh, unfortunately, on the date of his death i.e. 31.07.2017, served a legal notice to the respondents for the grant of ACP on completion of 4, 9, 14 years of service, which benefit was not extended to him. In the legal notice, it was stated that Sh. Gurmail Singh had already been held entitled for the said relief and even the bill has been sent to the Treasury for an amount of approximately ₹1,90,000/- but the said amount was not being released without any valid justification.

As the amount was not being released and Sh. Gurmail Singh, unfortunately, died on 31.07.2017, petitioners being the legal heirs of Sh. Gurmail Singh, filed the present writ petition claiming the release of ₹1,88,055/- on account of ACP after 4, 9, 14 years of service and other increments, which deceased Gurmail Singh was entitled for in respect of the service, which he had rendered with the respondents.

Upon notice of motion, the respondents have filed the reply and in the reply, it has been stated that the amount of ₹1,88,055/-, has already been released to the petitioners and, therefore, the grievance of the petitioners stands redressed. Learned counsel for the respondents states that

even the other benefits, which have been prayed in the present writ petition, have already been released and, therefore, the present writ petition has been rendered infructuous.

Learned counsel for the petitioners states that though the amount of ₹1,88,055/- should have been released to the petitioners when the bill was sent by the respondents to the Treasury in August, 2017 but actually the said payment was released on 18.03.2019 and, therefore, petitioners are entitled for the interest on the said delayed payment.

Learned counsel for the respondents states that as Sh. Gurmail Singh-claimant of the amount had died on 31.07.2017 and the petitioners only gave the details of their bank account alongwith other documents claiming to be the legal heirs of late Sh. Gurmail Singh on 04.10.2018, after processing those documents, the payment was released to the petitioners in the month of March, 2019 and, therefore, no interest is payable keeping in view the above facts as there is no default on the part of the department in delayed release of payment.

Learned counsel for the respondents further states that rather a letter was also written to the petitioners to supply their bank accounts and the legal heir certificate as far back as on 09.04.2018, a copy of which has been attached as Annexure R-1 and after the formalities were completed by the petitioners, the said documents were processed and the payment was released within a reasonable time.

Keeping in view the facts recorded above, it can be seen that there is no intentional delay on the part of the respondents in releasing the payment of ₹1,88,055/- on account of ACP benefits for the service rendered

by the deceased Gurmail Singh. When legal notice was served by deceased Sh. Gurmail Singh on 31.07.2017, he died the same day. The petitioners were required to submit the legal heir certificate and their bank accounts so that the money could have been transferred in their account. Once the said formality was completed by the petitioners in October, 2018, the documents so submitted were processed and the payment was released within a reasonable time.

Under these circumstances, it cannot be said that there is any intentional or willful delay so as to entitle the petitioners for interest on the said amount. Therefore, the claim of the petitioners for the grant of interest is not justified and the same is declined.

Writ petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 30, 2019
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Whether reasoned/speaking? *Yes*
Whether reportable? *Yes*