

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

Sr. No.222

**CWP-8183-2018
DECIDED ON: 16.09.2019**

SAVITA KUMARI

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil Kumar, Advocate,
for the petitioner.

Mr. Parveen Chander Goyal, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

Grievance of petitioner, a widow of late Sh. Ashwani Kumar who died in harness when he got buried under avalanche while on active duty, is that she has not been entitled ex-gratia compensation.

2. The deceased husband of the petitioner was also awarded Shaurya Chakra.

3. The Government of India vide instructions dated 11.09.1998 (Annexure P-6 colly) notified that payment of ex-gratia lump sum compensation is payable to the families of Central Government civilian employees who died in harness in the performance of their bonafide official duties.

4. Accordingly, a sum of Rs.5 lacs was payable to petitioner as per the instructions, ibid. Notwithstanding petitioner has been running pillar to post and having exasperated herself, finally preferred instant writ petition.

CWP-8183-2018

5. Despite petitioner's husband being case of an awardee of Shauraya Chakra, the apathy of the State-UOI is writ at large herein. The widow has left no stone unturned to get her legitimate dues as per the ex gratia compensation policy, which for no reason were withheld. Eventually she had to knock the doors of this Court.

6. During the pendency of the writ petition, the petitioner was paid the said compensation of Rs.5 lacs on 02.04.2018 and to that extent no further orders are required by this Court.

7. I am of the view that the fact that ex-gratia has been paid reflects that it is a conceded position that the petitioner was entitled to the said benefit. The only issue that survives now is the interest on the delayed payment.

8. The writ petition is disposed of with a direction to the respondents to pay interest @ 9% p.a. w.e.f. 09.07.2005 (three months after the death of her husband i.e. on 09.04.2005) until 02.04.2018 i.e. the actual date of disbursement. Necessary calculations be made and needful be done within a period of 60 days from the date of receipt of certified copy of this order.

16.09.2019

Ankur

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No