

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

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CWP-19572-2019

Date of Decision: 23.09.2022

KAVITA

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Punam Rohilla, Advocate with
Mr. P.K. Rohilla, Advocate for the petitioner.
Mr. Vivek Chauhan, AAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus for directing the respondents to grant financial assistance of Rs.1,00,000/- alongwith interest from the date of application till payment in terms of the policy dated 30.08.2011 (Annexure P-1).

A perusal of the petition shows that husband of petitioner died in a roadside accident on 13.07.2015 and DDR in this regard was also registered at Police Station Chandni Bagh, Panipat on the same day itself. The petitioner and her deceased husband were residents of the State of Haryana and the petitioner was entitled for the grant of financial assistance in term of Rajiv Gandhi Pariwar Bima Yojana. An application for claiming the said grant was filed on 10.11.2015 alongwith all requisite documents as well as death certificate of deceased – Krishan Kumar issued by the Registrar, Births and Deaths, M.C. Panipat.

Learned State Counsel has informed that the payment has already been sanctioned and that the same shall be disbursed to the petitioner in her account within a period of one week from today. Bill No.71 dated 22.09.2022 for Treasury use has also been shown in the Court today.

Learned counsel for the petitioner submits that the respondents may also be burdened with some sort of penalty on account of delayed payment as the application in question was submitted in the year 2015.

In this regard, learned State counsel submits that the delay in releasing the compensation occurred for want of viscera report that had not been appended with the application.

Learned counsel for the petitioner, however, contends that the policy contemplates the documents to be submitted alongwith the claim by legal heirs and that the viscera report is not a document required to be appended alongwith such application/claim. All such requisite documents prescribed in terms of the policy had been duly appended alongwith the application/claim submitted by the petitioner.

Accordingly, the explanation given for the inordinate delay is not satisfactory. Consequently, the respondent-State is directed to pay costs of Rs.25,000/- to the petitioner within a period of 30 days from the date of receipt of certified copy of this order for the harassment and agony caused to the petitioner.

The State shall, however, be at liberty to fix the responsibility and seek recovery of the said amount from the concerned erring official.

Petition stands disposed of accordingly.

23.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*