

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-754-2020 (O&M)

Date of Decision: 29.05.2023

State of Haryana and others

....Appellants.

Versus

Matram Gahlawat and another

...Respondents.

**CORAM: HON'BLE MRS. JUSTICE JAISHREE THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Mr. Hitesh Pandit, Additional Advocate General, Haryana
for the appellants.

Mr. S.K. Sharma, Advocate for the respondent No.1.

JAISHREE THAKUR, J. (Oral)

The instant Letters Patent Appeal has been preferred by the State of Haryana against the judgment of Single Bench passed in CWP-4734-2018 on 02.04.2019, allowing the writ petition to the extent that the case of the petitioner be decided in terms of directions given in judgment rendered in CWP-1486-2018 on 13.12.2018, where the petitioners therein had been allowed the benefits under Haryana Aided School (Special Pension and Contributory Provident Fund) Rules, 2001, which in turn would mean that the petitioners were allowed pension as persons working in aided schools.

2. This LPA has been filed seeking to challenge the judgment of the Single Bench.

3. Learned counsel for the appellants would submit that after the decision of the aforesaid writ petitions, Government of Haryana has framed

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a scheme, vide Notification No.4/71-2019 Pension-II (1) dated 04.06.2020, namely Pandit Deen Dayal Upadhyaya Honorarium Scheme, wherein a decision has been taken that honorarium would be paid to the employees of Government Aided Schools/ sanctioned aided posts who had retired between 28.07.1988 to 10.05.1998. Respondent No.1 herein has accepted the said Scheme and on the basis of this acceptance, the amount would be released to the said employee. It is argued that by virtue of this acceptance, no cause of action remains in favour of the said respondent and his writ petition has thus rendered infructuous.

4. Learned counsel appearing on behalf of respondent No.1 would submit that respondent No.1 had accepted the Scheme as far back as on 26.06.2020 and completed all the formalities by 30.09.2020. However, despite his acceptance, the amount has not been released to him till date and he would be satisfied in case the same is released with reasonable interest.

5 I have heard learned counsel for the parties.

6. In view of the fact that the appellant-State is ready and willing to release the honorarium in terms of the Scheme formulated which scheme has been accepted by respondent No.1 herein (though the private respondents in other connected matters are seriously disputing the Scheme), this LPA can be disposed of on the statement given by learned counsel for the appellants that the amount will be released expeditiously.

7. For the reasons mentioned therein, application for condonation of delay is allowed. Delay in filing the appeal is condoned. The document Annexure A1 is permitted to be taken on record.

8. The appeal is disposed of with an observation that the amount

due to respondent No.1 in accordance with the Scheme dated 04.06.2020 shall be released to him forthwith.

9. The question whether respondent No.1 herein is entitled to any interest on the said amount is also answered in positive. The scheme was accepted by him after completion of all formalities in 2020 itself. The amount due should have been released to him expeditiously which has not been done till date. Consequently, taking the delay into account in the release of the amount, respondent No.1 is held entitled to interest @ 6% per annum on the payment due from the date all formalities stood completed and in case the payment is made within a period of three months from the date of receipt of certified copy of this order, failing which the interest payable would stand enhanced to 9% per annum.

Other miscellaneous applications pending also stand disposed of.

(JAISHREE THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.05.2023

Komal

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