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

**CWP No.27754 of 2019 (O&M)
Date of Decision: 01.03.2023**

DARSHANA DEVI

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amardeep Hooda, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner seeks issuance of an appropriate writ in the nature of certiorari quashing the impugned order dated 25.03.2019 passed by the respondent No.2 dismissing the claim of the petitioner for grant of interest on the delayed payment of monthly financial assistance.

[2]. The husband of the petitioner was working as Head Constable with the Haryana Police. He died on 23.10.2005. After his death, the petitioner filed claim in terms of *ex-gratia* Rules but the same was rejected by the respondents.

[3]. Feeling aggrieved by the order of refusal, the petitioner

filed CWP No.6492 of 2008 which was disposed of by the High Court vide order dated 13.07.2009 by granting permission to the petitioner to make representation. In the event of filing such representation, the respondents were obligated to decide the same in accordance with law.

[4]. In compliance of the aforesaid order, the petitioner submitted a representation dated 24.07.2009 by opting for monthly financial assistance as provided under Rule 5 of the Haryana Compassionate Assistance Rules, 2006. The respondent No.3 rejected the claim of the petitioner vide order dated 08.09.2009.

[5]. Feeling against the said order, the petitioner filed CWP No.19322 of 2010 which was allowed by the High Court vide order dated 14.05.2012. The operative part of the order is reproduced hereasunder:-

“In view of the above, the present writ petition is allowed. Petitioner is held entitled to the benefit, as claimed by her under the 2006 Rules. The consequential benefits be released to the petitioner within a period of two months from the date of receipt of certified copy of this order.

It goes without saying that the benefits, which the petitioner had earlier been granted i.e. in the form of family pension, shall be adjusted towards the benefits which would now accrue to the petitioner as a consequence of the present order.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 14, 2012

pj”

[6]. Against the aforesaid order, the respondents remained unsuccessful in LPA No.1102 of 2013 which was dismissed by the Division Bench of this Court vide order dated 02.07.2013. The said order was also assailed in Special Leave to Appeal (C) Nos.30029-30030 of 2014 which was dismissed by the Hon'ble Apex Court vide order dated 13.01.2017.

[7]. After exhausting the remedies, the respondents ultimately released the benefit of financial assistance on 18.09.2017 i.e. with the delay of about 11 years.

[8]. In order to claim interest on the delayed payment, the petitioner filed CWP No.29283 of 2018 which was disposed of vide order dated 20.11.2018 by directing the respondents to decide the legal notice dated 18.04.2018 filed by the petitioner by passing speaking order in accordance with law within a period of three months from the date of receipt of certified copy of this order.

[9]. In compliance of the aforesaid order, now the respondent No.2 has decided the legal notice vide the impugned order dated 25.03.2019 thereby dismissing the claim for interest for the delayed payment of monthly financial assistance.

[10]. It is relevant to point out that the petitioner also filed

COCP No.1756 of 2014 for non-compliance of the order dated 14.05.2012 passed in CWP No.19322 of 2010 and the same was stayed by the Hon'ble Apex Court vide order dated 07.11.2014 in SLP (CC) No.17227-17228 of 2014 which was converted in SLP(CC) No.30029-30030 of 2014.

[11]. Learned State counsel on instructions from EHC Amit Kumar submits that even the SLP arising out of the COCP No.1756 of 2014 stood dismissed on 13.01.2017 by the Hon'ble Apex Court. The only objection for not paying the interest on delayed release of monthly financial assistance is that the Department was availing its legal remedies in accordance with law.

[12]. Since the Department has failed to get any favourable order from the Courts in hierarchy, therefore, the accrued benefit of financial assistance which accrued to the petitioner from 14.05.2012 needs to be added to the component of interest on account of delayed payment which was released only on 18.09.2017 after the delayed period of 11 years.

[13]. In view of above, the impugned order dated 25.03.2019 is quashed. The writ petition is allowed. For the period from 14.05.2012 to 18.09.2017, the respondent-Department would be under legal obligation to pay interest @ 6% per annum on the accrued benefit including arrears of dues @ 6% per annum from the date of accrual till payment.

[14]. Let the needful be done within a period of two months from the date of receipt of certified copy of this order. In case of further delay, the interest component shall be increased to 9% per annum.

March 01, 2023	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No