

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

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2024:PHHC:031897-DB

LPA-644-2024 (O & M)
Date of Decision: 06.03.2024

State of Haryana and others

.....Appellant(s)

Versus

Raj Bala

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present letters patent appeal is directed against the order dated 20.03.2023 passed by the learned Single Judge in CWP-8855-2016. The learned Single Judge has directed the refund of Rs.1,29,871/- alongwith interest @ 6% which had to be done within a period of 3 months from the date of receipt of certified copy of the order. There was a default clause also that if the needful is not done within the prescribed period, the interest component would be @ 9%, which has been apparently wrongly mentioned as 'per month' instead of 'per annum'. There is also a delay of 308 days in filing the appeal and, therefore, the interest component at the higher rate has come into play.

2. Mr. Balyan has tried to justify the fact that the amount mentioned by the learned Single Judge is not the correct amount since the amount was picked up from para No.9 of the written statement and since the amount had not been quantified earlier by the writ petitioner, who is a widow of the deceased-employee.

3. Keeping in view the above, we are of the firm opinion that for the fault of the appellant-department, we cannot expect the widow to come and defend this case for a paltry amount as the actual amount is stated to be Rs.65,921/-,

which was recovered after the death of the employee. However, the aspect of the interest component @ 9% per month is a mistake which is obvious on the face of the record.

4. In normal circumstances, the State would have been asked to file an application for review/modification of the order before the learned Single Judge, who had passed the order. However, since the said learned Single Judge is no longer serving in this High Court and has been transferred to Madhya Pradesh High Court, the said procedure cannot be adopted.

5. Resultantly, we allow the present appeal to limited extent that the interest component will be @ 9% per annum. It is made clear that since we are not issuing notice to the widow, in case there is any clarification to be done, it is open to her to file an application. Accordingly, the application for condonation of delay is also disposed of in the above said terms.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

06.03.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No