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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17958-2019 (O&M)
Date of decision: 24.07.2024

SANGEETA NEHRA

...Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND OTHERS

...Respondents

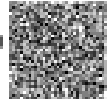
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Shivam Malik, Advocate for the petitioner.

Mr. Madhur Singh, Advocate for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

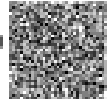
1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned action of the respondents, by which they have withheld the benefit of 1st, 2nd and 3rd ACP, arrears of revised salary with effect from 1998, arrears of salary from June, 2016 to November, 2016 and February, 2017 to March, 2017, arrears of medical leave of 178 days, arrears of pension with effect from April, 2017 to September, 2017, Death-cum-Retirement Gratuity and Leave Encashment of the deceased husband of the petitioner on the ground that no dues certificate has not been issued by the competent authority in favour of the deceased husband of the petitioner with a further prayer to direct the respondents to release all the aforesaid benefits to the petitioner with interest @ 18% per annum from the due date.



2. On the factual aspect, both the learned counsels for the parties have jointly submitted that it is a case where the husband of the petitioner was working as a Junior Engineer (JE) with the respondent-Nigam and he retired on 31.03.2017 on attaining the age of superannuation and thereafter, on 16.09.2017 he died but at the time when he was in service, there were number of punishment orders passed against him and also various charge-sheets were pending against him but after his death, the aforesaid charge-sheets were dropped by the respondent-Nigam in the month of March, 2019, regarding which description has been given in para No.6 of the reply filed by the respondents.

3. Learned counsel for the petitioner submitted that the claim of the petitioner is restricted to the payment of interest on delayed payments of Leave Encashment on retirement, arrears of pay and DCRG and only to the limited extent, the prayer of the petitioner for grant of interest may be considered because Leave Encashment on retirement as well as arrears of pay have been given to the petitioner on 14.11.2019 and DCRG has been paid to the petitioner on 20.01.2022 and there is no justification for the delay and interest may be granted to the petitioner on the same.

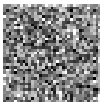
4. On the other hand, learned counsel for the respondents has brought to the notice of this Court that at the time when the husband of the petitioner had retired, there were large number of enquiries pending against him but since he died, the respondent-Nigam has dropped all the charge-sheets against him in the month of March, 2019 and thereafter, after about 8 months, Leave Encashment on retirement and arrears of pay have been paid to the petitioner



and there is no unreasonable delay in the aforesaid payment and therefore, no interest can be granted on the aforesaid two heads. So far as the payment of DCRG is concerned, he submitted that the same was paid to the petitioner on 20.01.2022 as the delay occurred because of the audit objections and audit reports, which the respondent-Nigam was required to deal with internally by completing all the documents and therefore, that was a reason as to why delay has occurred in payment of DCRG.

5. I have heard the learned counsels for the parties.

6. The only prayer of the petitioner as so stated by the learned counsel for the petitioner is with regard to the interest on delayed payments. So far as the grant of Leave Encashment on retirement and arrears of pay is concerned, all the 8 charge-sheets, which have been depicted in para No.6 of the reply filed on behalf of the respondent-Nigam have been dropped in the month of March, 2019 in accordance with the instructions because of the death of the husband of the petitioner and thereafter, within a period of 8 months, the aforesaid Leave Encashment on retirement and arrears of pay have been paid to the petitioner. Therefore, this Court is of the considered view that the so far as the payment of aforesaid two heads are concerned, it cannot be said that the delay was unreasonable and therefore, no interest can be paid on the aforesaid two heads. So far as the payment of DCRG is concerned, the same has been paid to the petitioner on 20.01.2022, which appears to be unreasonable delay. The reasoning which has been given by the learned counsel for the respondents that delay has been caused because of audit objections and collection of documents etc., the same is not a justifiable ground for delaying the payment of DCRG to



the petitioner, who is a widow. Therefore, this Court is of the considered view that the delay in the payment of DCRG has been caused without any valid justifiable reason.

7. Consequently, the present writ petition is partly allowed. The petitioner shall be entitled for interest @ 6% per annum on the delayed payment of DCRG to the petitioner from the date of death of her husband till the date of its actual disbursement. The respondent-Nigam is directed to calculate the aforesaid interest and pay the same to the petitioner, within a period of three months from today. In case the aforesaid amount is not paid to the petitioner within a period of aforesaid three months, then the petitioner shall be entitled for future rate of interest @ 9% per annum.

24.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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