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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC:098593



CWP-2159-2018

Date of Decision: 01.08.2024

RAKESH SHARMA AND ANR

...Petitioners

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashok Kumar Khubbar, Advocate
for the petitioners.

Mr. Rohit Arya, DAG, Haryana.

Mr. R.S. Cheema, Advocate
for respondent nos. 3 & 4.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* setting aside the order dated 18.03.2017, Annexure P-13, whereby the petitioners' claim for *ex-gratia* appointment has been declined. Further, a writ of *mandamus* has been sought directing the respondents to release the retiral and other financial benefits due to the petitioner's father, along with interest.

2. At the outset, learned counsel for the petitioner contends that he does not press the prayer for setting aside the order dated 18.03.2017.

3. It is a matter of record that the petitioners earlier approached this Court by filing CWP-17944-2012, *Geeta and others v. State of Haryana and others*, seeking a writ of *mandamus* directing the respondents to release the retiral benefits of petitioner's husband along with interest. The petition was disposed of vide order dated 18.02.2024, Annexure P-5, on a statement made by learned State counsel that the petition had become

infructuous as the due payments stood released to the petitioners. Thereupon, learned counsel for the petitioners claimed interest on the delayed payment of retiral benefits which was accepted by directing the respondents/State to pay interest at the rate of nine per cent per annum.

4. During the pendency of the instant petition, the competent authority was directed to file a specific affidavit as to whether seventy-five per cent salary towards suspension period, i.e., from 23.06.2005 to 10.08.2007 had been paid by the Department or not. Pursuant thereto, an affidavit dated 08.05.2024 has been filed by the Director Secondary Education, giving details of salary released to the petitioners' father from 06.07.2005 to 09.08.2007. It is also mentioned therein that the fourth respondent/Daya Nand College, has also paid twenty-five per cent of the balance payment to the petitioner's father for the period 05.01.2006 to 30.11.2006 amounting to ₹40,023 vide demand draft dated 01.03.2024, Annexure R-II.

5. Learned counsel for the petitioner does not dispute the fact. He, however, contends that the amount which was due in 2006 has been paid after inordinate long delay of about eighteen years, i.e., on 01.03.2024. Therefore, the fourth respondent is liable to pay interest on the same.

6. It is apparent on record that the subsistence allowance of ₹40,023 was payable by the fourth respondent and the same was ordered to be released vide letter dated 25.11.2006, Annexure R-III, issued by its Management. There is no explanation for the delay caused in making the payment which makes the fourth respondent liable to pay interest for its negligence.

7. In view thereof, the petition stands disposed of with direction to the fourth respondent to pay interest at the rate of nine per cent per annum on the subsistence allowance of ₹40,023 with effect from 30.11.2006 to the date of actual payment, within a period of three weeks of receiving a certified copy of this order.

01.08.2024
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(TRIBHUVAN DAHIYA)
JUDGE

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