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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-259-2018
Date of decision: 25.04.2024

SHANTI DEVI

...Petitioner

VERSUS

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. K. Bhardwaj, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Himanshu Arora, Advocate and
Mr. Mani Pal Goyal, Advocate
for respondents No.3 and 4.

Ms. Anmol Preet Kaur, Advocate for
Mr. H. S. Oberoi, Advocate
for respondent No.5.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned action in not granting the interest on the delayed payment of retiral benefits as per instruction dated 20.02.2002 and further for quashing the impugned action of the respondents in not granting benefit of revised pay/pension in view of the Haryana Civil Services (ACP) Rules, 2008, which were made applicable w.e.f. 01.01.2006 and further to issue a writ in the nature of *mandamus* directing the respondents to grant interest on the delayed

payment of retiral benefits and further to grant the benefit of revised pay/retiral benefits.

2. Learned counsel for the petitioner submitted that the dispute in the present case is now only pertaining to the prayer for grant of interest on the delayed payment of retiral benefits in view of a Full Bench judgment of this Court in A. S. Randhawa versus State of Punjab and others, 1997 (3) SCT 468. To cut short his arguments, he further submitted that now the dispute is only pertaining to table B, which has been so depicted in para No.6 of the short reply filed on behalf of respondents No.3 and 4-HSVP, which is reproduced as under:-

Table B:- The retirement benefit issued for the service period pertains to HSVP and paid to the official/legal heir, details are as under:-

Description	Cheque No. & Date	Amount	Remarks
GLIC	889577 dated 05.09.2006	3847/-	Amount paid to late Sh. Daya Chand
Leave Encashment	304174 dated 10.08.2009	24738/-	Amout paid to Smt. Shanti Devi W/o Late Sh. Daya Chand
DCRG	304174 dated 10.08.2009	34015/-	Amount paid to Smt. Shanti Devi W/o Late Sh. Daya Chand
GPF	572872 dated 28.01.2010	109766/-	Amount paid to Smt. Shanti Devi W/o Late Sh. Daya Chand
Commutation	---	39879/-	Amount paid to Smt. Shanti Devi W/o Late Sh. Daya Chand

3. Learned counsel for the petitioner submitted that as per the aforesaid table, GLIC was paid on 05.09.2006, leave encashment was paid on 10.08.2009, DCRG was paid on 10.08.2009 and GPF was paid on 28.01.2010, whereas the husband of the petitioner had retired on 28.02.2006 and he died on 06.03.2009. He further submitted that for the aforesaid delay of about 3-4 years, there is no justification given in the aforesaid short reply and therefore, the petitioner was entitled for grant of interest on the aforesaid delayed payments.

4. On the other hand, learned counsel for respondents No.3 and 4 does not dispute the aforesaid factual position and has not been able to give any justification for the aforesaid delay.

5. In view of the aforesaid facts and circumstances, the present writ petition is partly allowed. The respondents are directed to calculate the interest on the aforesaid payments, which are so depicted in table B of para No.6 of the short reply as reproduced above @ 6% per annum 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. However, there shall be no order as to costs.

(JASGURPREET SINGH PURI)
JUDGE

25.04.2024
Chetan Thakur

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