
(2013) 08 P&H CK 0808
In the Punjab And Haryana At Chandigarh
Case No : LPA No. 2204 of 2012 (O and M)

Sudershan Kumari

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 02-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0808

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Alka Chatrath, for the Appellant; J.S. Puri, Addl. AG Punjab, for the Respondent

Final Decision : Disposed Off

Judgement

Surya Kant, J.—The only question that arises for consideration in this case is whether the appellant is entitled to interest on the delayed payments of retiral and terminal benefits of her deceased husband more than what has been granted by the learned Single Judge? The operative part of the order dated July 29, 2011 passed by learned Single Judge reads as follows:-

Accordingly, the present petition is allowed. The respondents are directed to pay the interest at the rate of 9% per annum on the delayed amount payable to the petitioner from the expiry of three months of service after passing of the order in CWP No. 7709 of 2007 within a period of three months from the date of receipt of copy of this order.

2. It was a case of deemed civil death of the appellant's husband who went missing in the year 1993. As the authorities were not granting service benefits to her, the appellant firstly approach this Court in CWP No. 7709 of 2007 which was allowed on 03.12.2007 and it was thereafter that due amounts were released in her favour in December, 2008. In terms of the above-reproduced directions issued by the learned Single Judge, the appellant has been awarded interest for a period from March, 2008 to December, 2008 only.

3. In our considered view, the appellant is entitled for awarded interest at least for a period of three years and two months preceding the date of decision in CWP No. 7709 of 2007 i.e. on 03.12.2007. It necessarily means that the appellant shall be entitled to interest on the delayed payment w.e.f. 01.10.2004 till actual realization of those arrears in December, 2008.

4. Ordered accordingly.

5. Let the arrears of interest be computed and paid to the appellant within a period of four months from the date of receipt of a certified copy of this order.

6. We are informed that full amount of Gratuity has not been paid to the appellant. If that is so, let the same be also released as early as possible but not beyond the aforesaid period. Disposed of. Dasti.