



2026:UHC:1011-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.210 of 2025

10 February, 2026

Union of India and Others

-----Appellants

Versus

Smt. Kaushalya Negi @ Sona Devi

----Respondent

Presence:-

Mr. Pankaj Chaturvedi, learned Standing Counsel for the Union of India.

Mr. Pawan Mishra and Ms. Rajni Rangwal, learned counsel for the respondent.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

Delay Condonation Application (IA/1/2025)

1. The appellants, by means of instant appeal, have challenged the order of learned Single Judge dated 30.04.2024 by which WPSS No.1122 of 2016, "Smt. Kaushalya Negi Alias Sona Devi Vs. Union of India and Others" was allowed to the extent of award of interest @ 7% on the arrears of pension, and also the order dated 03.04.2025, passed on the recall application of the appellants.

2. The office has reported a delay of 446 days in filing the instant appeal, reckoning the limitation from the



date of original order in the writ petition i.e. from 30.04.2024.

3. Learned counsel for the appellants submits that the application filed by the appellants for modification of the order of the learned Single Judge to the extent of award of interest, came to be rejected on 03.04.2025 and, thereafter, some time was spent in seeking legal advice. He submits that the delay is bonafide and not on account of any laches on part of the department. He submits that in such circumstances the delay deserves to be condoned.

4. Learned counsel for the contesting respondent Shri Pawan Mishra states that he does not wish to file any counter affidavit but has orally opposed the delay condonation application.

5. As we find that the modification /recall application was dismissed only on 03.04.2025 and, thereafter, the appellants filed the appeal though with some delay, which has been sufficiently explained, therefore, in the interest of justice, we condone the same and direct the office to allocate a regular number to the instant appeal.

6. Heard learned counsel for the parties on the appeal.

7. The writ petition filed by the contesting respondent (hereinafter referred to as “the writ-



petitioner”) was for a direction to the appellants to make regular payment of family pension to the petitioner and also pay arrears since November, 2013 along with interest @ 18% per annum. The petitioner was getting regular family pension after the death of her husband Ram Singh Negi on 23.01.2011. In November, 2013, the pension was stopped by Punjab National Bank, Branch Adhoiwala, District Dehradun, the Distributing Branch, noticing that in the Pension Payment Order (PPO) of late Ram Singh Negi, the deceased husband of the petitioner, name of his wife was recorded as Sona Devi and not that of the petitioner i.e. Kaushalya Negi while the life certificate furnished by the petitioner, was signed by her.

8. It is worthwhile to note that Sona Devi was the first wife of late husband of the petitioner and, according to the case of the petitioner, the marriage between her late husband and Sona Devi was dissolved by an order passed by the District Judge, Tehri Garhwal in Original Suit No.27 of 2005 dated 14.12.2006. The petitioner, therefore, had claimed right to receive family pension as a widow.

9. It is not disputed before us that in the service record of the deceased husband of the petitioner name of his first wife i.e. Sona Devi was recorded and it appears that the same was not got changed by the deceased husband of the petitioner during his lifetime. In the



pension payment order also name of Sona Devi was mentioned but, at the time of preparation of pension papers he submitted a joint photograph with a lady showing her as his wife and it was that of the petitioner.

10. This discrepancy was noticed by the bank from the life certificate filed by the petitioner which bore her signatures. Consequently, it stopped the release of pension. It has also come on record that, thereafter, an inquiry ensued and in the said inquiry Sona Devi claimed right to receive pension. The department got the matter inquired into by the District Administration. On 30.04.2015, the District Magistrate, Tehri Garhwal informed the department that the issue was got inquired into by Tehsildar, Tehri. He has submitted his report dated 17.04.2015 and in which it is stated that Sona Devi was the first wife of the deceased Ram Singh Negi.

11. In view of the said inquiry, the department did not recommend for release of pension which was stopped by the Bank. The petitioner, consequently, served a notice on the department under Section 80 CPC and when pension was not paid to her, she filed writ petition before this Court.

12. The writ court allowed the writ petition by judgment and order dated 30.04.2024. The writ court has held that although in the service record name of Sona Devi was recorded, being the first wife of the deceased



employee, but the fact that their marriage was dissolved by a decree of divorce by judgment and order dated 14.12.2006 was not disputed before him. The learned Single Judge has also found that the judgment and order dissolving the marriage has attained finality. The learned Single Judge, therefore, held that once the dissolution of marriage is not in dispute the petitioner would be entitled to receive the family pension and, accordingly, allowed the writ petition and directed the respondents to release family pension to the petitioner as also arrears of family pension w.e.f. November, 2013 and further direction was issued for payment of interest @ 7% per annum.

13. The department complied with the order of the writ court to the extent of payment of arrears of family pension to the petitioner and is also regularly paying monthly family pension. These facts are not in dispute.

14. The department has filed the appeal aggrieved by the award of interest by the writ court. According to the department, the pension was stopped by the Bank and, therefore, the department cannot be saddled with any liability of interest. It is also the case of the department that before learned Single Judge, it was pointed out that the Bank was necessary party but the petitioner did not impleaded the Bank. Based on the said contention, the department filed a modification application before learned Single Judge for modification of



the operative part of the order to the extent the interest has been awarded against the department. However, recall application came to be rejected by the order dated 03.04.2025.

15. The relevant extract of the order passed by the writ court dated 03.04.2025 on the recall application is as follows:

"6. It is contended by learned counsel for respondents-review applicants that the arrear of family pension w.e.f. 01.11.2013 has been disbursed to the petitioner. So far as the interest of arrears of pension is concerned, the answering respondent department is not liable to pay the same, as the pension was stopped by the Punjab National Bank, Branch Adhoiwala, Dehradun, which was the necessary party for adjudication of the issue involving in the present matter, but the respective Bank has not been impleaded by the petitioner, therefore, all the burden has been shifted upon the answering respondents.

7. Learned counsel for the petitioner submits that the family pension was stopped by the respondents and on the instructions of respondents, the bank did not pay the family pension to the petitioner. Therefore, the petitioner is liable to get the interest of the arrears of family pension.

8. I have heard learned counsel for the parties. I found favour with the submission made by learned counsel for the petitioner. The petitioner is entitled to get the interest of arrears of family pension. Accordingly, the recall application (MCC/ 14853/2025) is rejected."

16. The learned counsel for the appellants contends that the award of interest against the department is without any fault on the part of the Department. He has placed reliance on Rule 65 of the CCS Pension Rules, 2021 in contending that the interest



could only be awarded against the department in case the delay in payment was attributable to administrative reasons or lapse. He submits that in the instant case, the delay was not only attributable to the petitioner herself but, in fact, she had initially played fraud upon the authorities by impersonating herself as Sona Devi and thereby succeeding in withdrawing the family pension.

17. On the other hand, learned counsel for the petitioner submits that the petitioner, soon after the pension was stopped, communicated to the authorities the factum relating to the dissolution of marriage of her husband with his first wife Smt. Sona Devi in pursuance of the judgment and order dated 14.12.2006 in Original Suit No.27 of 2005. He further submits that the petitioner on the direction of the department also got various formalities completed so that her name is recorded in the relevant records and family pension is paid to her regularly.

18. In support of his submission, he has invited our attention towards the letter dated 26.10.2014 by the department addressed to the petitioner requiring her to get the relevant facts notified in the Gazette of India. He submits that the said formalities were got done by the petitioner by getting the information published in the Gazette dated 27.02.2015. He submits that, thereafter, the petitioner also served a notice on the department on



12.01.2016 stating that she had completed all the formalities and along with it relevant documents, including judgment of the District Judge dated 14.12.2006 dissolving the marriage between her late husband and Sona Devi were also filed.

19. He submits that despite the petitioner having completed the requisite formalities, the department did not take any step to ensure that the pension is released in favour of the petitioner and, consequently, the petitioner had to approach this Court and only after the writ was allowed, the pension was released in favour of the petitioner.

20. We have examined the rival contentions and also perused the record.

21. It is not in dispute before us that the factum relating to dissolution of the marriage between Ram Singh, late husband of the petitioner and his first wife Sona Devi was not got entered in the official records by Ram Singh during his lifetime. It is also not in dispute that initially, the petitioner succeeded in getting family pension by impersonating herself as Sona Devi.

22. The steps for getting the record amended were taken by the petitioner in the year 2015 and the petition was filed before the Court on 07.06.2016.

23. Having regard to the aforesaid aspects and to balance rival interests, we feel persuaded to modify the



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order of learned Single Judge and direct for payment of interest on the arrears of pension only from the date of filing of the writ petition i.e. 07.06.2016 till the date of actual payment @ awarded by the writ court i.e. 7% per annum simple interest. The order of learned Single Judge would stand modified to the aforesaid extent.

24. Accordingly, the appeal stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 10.02.2026

SS

**SUKHBANT
SINGH**

Digitally signed by SUKHBANT SINGH
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