

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.20658 of 2014

Date of decision: 30.11.2015.

Dharminder Kaur

...Petitioner

Versus

CAT, Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL.
HON'BLE MR. JUSTICE DASRHSAN SINGH.**

Present: Mr.Sudhir Kumar, Advocate
for Mr. Naveen Shokand, Advocate
for the petitioner.

None for respondent no.1.

Mr. Parminder Singh Kanwar, Advocate
for respondents no. 2 and 4.

Mr. Barjesh Mittal, Advocate
for respondent no.3.

Mr. V.K.Garg, Advocate
for respondent no.5.

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M.JEYAPPAUL, J.

Heard the submissions made on either side.

The Tribunal having found that the pension due and payable to the writ petitioner was denied for about 11 years right from the year 1999 directed the official respondents to pay interest at the rate of 6 % for the delayed payment of pension

The writ petitioner having married the brother of the deceased employee made a plea that she has got a right to receive pension despite the fact that she was re-married. Of-course, the Tribunal has rightly held, in the

light of the interpretation given by this Court that the writ petitioner was entitled to family pension in view of the fact that she has chosen to marry none other than the very brother of the deceased employee. But, the fact remains that the writ petitioner never disclosed to the Authorities concerned that she has got married the very brother of the deceased employee and therefore, she was entitled to pension. The Tribunal having found that the department had not released pension to the writ petitioner for about 11 long years took up the issue on compassionate grounds and directed the department to pay 6 % interest on the delayed payment.

Inasmuchas, the writ petitioner never disclosed that she has got married the very brother of the deceased employee and therefore, she was entitled to pension, the interest awarded cannot at all be enhanced, as sought for in the writ petition.

The writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

November 30,2015

s.khan

(DASRHSAN SINGH)
JUDGE