

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

CWP No. 24672 of 2014

DATE OF DECISION :- November 27, 2015

Het Ram Sharma

...Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench and others.

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Ashish Rawal, Advocate for respondents no. 2 to 4.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

1. Pursuant to an order passed by this Court in CWP 4685 of 2012 on 28.5.2012 on the basis of the admission made by the 3rd respondent herein as regards the entitlement of the petitioner to family pension on the demise of his wife Shanti Devi, family pension was released to the petitioner. The Court in the above Writ Petition also directed that the consequential service benefits accrued on the demise of Shanti Devi be released to the Writ Petitioner within one month. The above order was complied with by the contesting respondents.

2. Aggrieved by the delayed payment of family pension

without any interest, the Writ Petitioner moved Original Application before the Tribunal. The Tribunal, having found that though the petitioner was entitled to family pension as accepted by the contesting respondents right from 21.2.1986 on the demise of wife Shanti Devi on 20.2.1986, ordered interest at the rate of 6% per annum from the date of approval of family pension to the date of actual payment. Further, the Tribunal taking note of the fact that a litigation was going on amongst the legal representatives of late Shanti Devi in connection with the entitlement to the pensionary benefits of Shanti Devi, held that the petitioner was not entitled to any interest on delayed payment except the family pension.

3. The learned counsel appearing for the petitioner vehemently contended that the Tribunal should have awarded interest at least at the rate of 12% per annum on the family pension which was withheld by the contesting respondents. Further, it is his submission that there was no logic for awarding interest for the withheld family pension alone, denying interest on the delayed payment towards Leave Encashment and death-cum-gratuity.

4. The learned counsel appearing for the contesting respondents submitted that the petitioner was the second husband of Smt. Shanti Devi. It was only Bimla, the daughter of the deceased, who was not born to the petitioner, produced succession certificate on 23.8.1994. In the month of September, 1995, General Provident Fund and Group Insurance amount were released to Bimla in terms of the succession certificate. Death-cum retirement gratuity was not paid to

Bimla as she being a married daughter was not entitled to death-cum-retirement gratuity. Amount payable towards Leave Encashment was to the tune of ₹878/- only. Under such circumstances, it is submitted that the contesting respondents are not liable to pay any interest or enhanced rate of interest as sought for by the petitioner.

5. Shanti Devi had died on 20.2.1986. As there was no nominee found in the service records to receive the benefits accrued to the deceased employee, the contesting respondent sought for succession certificate. It was only Bimla, the daughter of the deceased who had obtained succession certificate from the competent Court and produced it on 23.8.1994. As she was entitled to receive only GPF and GIS, the amount accrued thereupon was released to her by the contesting respondents in the month of September, 1995.

6. The death cum retirement gratuity was not released, as per the Rules, to Bimla Rani as she was a married daughter who was not a dependent of the deceased.

7. There was no succession certificate produced by the petitioner evidencing his entitlement to receive Leave Encashment and death-cum-gratuity. It was only Bimla Rani, who produced succession certificate establishing her right to receive the service benefits on the demise of her mother. It is only at the intervention of the Court, based on the admission made by the contesting respondents, the other benefits were released to the petitioner.

8. The contesting respondents have rightly insisted for succession certificate to receive the service benefits of Shanti Devi as

there was no nominee named in the service records by the deceased and the petitioner also happened to be the second husband of the deceased.

9. As there was an admission as regards the entitlement of the petitioner to receive family pension, the Tribunal had awarded 6% interest on the family pension which was withheld by the contesting respondents. Inasmuch as the other benefits had not been withheld by the contesting respondents in the face of any succession certificate in favour of the petitioner, the question of payment of any interest on other benefits except the family pension does not arise for consideration.

10. In view of the above facts and circumstances, we find that there is no merit in the Writ Petition. Therefore, the Writ Petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

November 27, 2015

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