

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 823 of 2015 (O&M)

Date of decision : March 10, 2015

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UHBVN and another

.....appellants

Versus

Parkasho Devi

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Ms. Vibha Dhiman, Advocate for the appellant.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

This regular second appeal has been filed against the judgment and decree dated 8.12.2014 passed by the Additional District Judge, Karnal whereby the appeal filed by the respondent was allowed reversing the judgment and decree dated 26.8.2014 passed by the Civil Judge (Junior Division) Karnal.

The plaintiff-respondent (hereinafter referred to as 'the plaintiff') Parkasho Devi had filed a suit for restoration of commuted value of pension amounting to Rs. 1262/- per month from the date of death of deceased Amar Nath i.e 30.10.2014 and claimed that recovery made w.e.f 1.9.2012 to 31.7.2013 is illegal and unlawful and plaintiff is entitled to refund of the same. The plaintiff also claimed

arrears of pension on account of revision of pay w.e.f 1.1.2006 to 31.7.2013 along with interest @ 18% per annum from the date of its accrual and till actual payment is made. After the death of her husband, the plaintiff was drawing pension through State Bank of Patiala as the same was being credited in her A/c No. 65002902094 and she continuously received her family pension up to 31.8.2012.

Her pension was suddenly stopped for 11 months i.e w.e.f. 1.9.2012 till 31.7.2013. However, the same was restored on 1.8.2013. During the pendency of the suit, the defendants vide memo dated 20.9.2013 sanctioned an amount of Rs.21,038/- to the plaintiff in the month of October 2013. The bill for payment of Rs. 1,49,841/- on account of arrears of revision of pension sanctioned by CAO/pension, UHBVNL, Panchkula w.e.f 10/09 to 8/12 was prepared and the payment in the shape of cheque was to be released. Commuted value of pension was restored and the plaintiff was held not entitled to the benefit of LTC. The plaintiff admitted that she had received a cheque of Rs.1,49,841/- while appearing as PW-2 in lieu of arrears of pension. All the revised pensionary benefits withheld were received by the plaintiff. The claim for grant of LTC was declined in view of the Instructions of the Govt. of Haryana dated 14.6.2010. The claim for payment of interest was also declined and the suit of the plaintiff was dismissed.

On appeal, the Lower Appellate Court referred to the judgment of the High Court in **State of Haryana and others vs. Shamsher Singh, 2012 (2) SCT 245**, wherein it was held that delay

in disbursing retiral benefits even in cases where there is no satisfactory explanation for delay of disbursing the amount only interest @ 12 % per annum could be awarded. Appeal was allowed and interest was granted @ 12% per annum on the delayed payment of family pension w.e.f 1.9.2012 to 31.7.2013 and arrears of pension w.e.f 1.1.2006 amounting to Rs. 1,49, 840/- which was received on 3.3.2014 and a sum of Rs. 1,03,484/- which was received on 7.8.2014 w.e.f the date of filing of the suit till the date actual payment is made.

Counsel for the appellants has not been able to cite any other law contrary to the judgment passed by this Court in **State of Haryana and others vs. Shamsheer Singh, 2012 (2) SCT 245**. No substantial question of law arises for consideration in this regular second appeal. Hence the same is dismissed.

March 10, 2015
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(RITU BAHRI)
JUDGE