

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

COCP No.2644 of 2015
Date of Decision: 29.02.2016

Sanjay @ Sanjeev

. . . .Petitioner

Versus

P.K. Rao

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.V.B. Aggarwal, Advocate,
for the petitioner.

Mr.Sandeep Bansal, Advocate,
for the respondent.

Mr.Vivek Singla, Advocate, for the UOI.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for the willful disobedience of the orders dated 5.8.2013 passed in CWP No.3270 of 2007 and 30.3.2015 passed in LPA No.181 of 2014. The learned Single Judge, while allowing the writ petition, partly set aside the impugned order dated 23.9.2006. The petitioner was held entitled to proportionate pension on pro-rata basis in terms of Rule 13 read with Rule 49 of the Central Civil Services (Pension) Rules, 1972. However, his pension was ordered to be fixed notionally and the actual payment of arrears was restricted from the date of filing of the writ petition i.e. 1.3.2007 till date. The LPA filed by the respondent was dismissed on 30.3.2015 with cost of ₹20,000/-.

Mr.Vivek Singla, senior panel counsel of Government of India has filed an affidavit of Subhash Kumar s/o Shyam Narayan

Prasad, Assistant Controller of Defence Accounts (Pension) and has submitted that the amount due to the petitioner has already been transferred to his bank account, but the UCO bank, where the amount has been transferred, has asked the concerned branch to identify the legal heirs of the petitioner to settle the claim.

Learned counsel for the petitioner has argued that the respondent has paid the pension of 38 months in terms of the order passed by the learned Single Bench but the petitioner was entitled to pension after the order was passed by this Court as well.

Mr.Sandeep Bansal, Advocate, who is also appearing on behalf of the respondent, has produced an order dated 9.01.2016, in which it is mentioned that ₹1,56,800/- has been deposited towards 38 months pension on 3.6.2015 as per the order of the Court, ₹1,55,118/- towards arrears of pension from 5.8.2013 was paid on 29.5.2015 and ₹7455/- towards pension for the month of June was paid on 29.6.2015. It is further submitted that since the pension has not been released by the UCO bank and the respondent is not sure as to who has to receive the gratuity and other amount on behalf of the deceased-petitioner, they may be allowed to deposit the amount of gratuity and cost in the account of the deceased-Raj Kumar in the UCO bank.

After hearing learned counsel for the parties and keeping in view the aforesaid facts, this petition is hereby disposed of, directing the respondent to deposit the gratuity of the deceased-Raj Kumar along with cost of ₹20,000/- imposed by the Division Bench, in the account of the deceased-Raj Kumar, maintained in the UCO Bank, within a period of one month from today. The petitioner may, if so advised, take up his legal remedies for the purpose of

withdrawal of the amount as the said amount has to be released after identifying the legal heirs/nominee of the deceased-Raj Kumar.

29.02.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**