

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15067 of 2012 (O&M)

Date of Decision:- 22.08.2016.

Dhanpati

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sushil Sheoran, Advocate for
Mr. R.A. Sheoran, Advocate for the petitioner.

Mr. Anita Balyan, Senior Panel Counsel for
the respondents-UOI.

P.B. BAJANTHRI, J. (Oral)

CM No.9836-CWP of 2016

CM for placing on record additional affidavit on behalf of the answering respondent is allowed for the reasons stated in the application as well as affidavit.

CWP No.15067 of 2012

1.) Pursuant to the order dated 21.7.2016, answering respondent has filed affidavit. Affidavit is sworn by Sh. Rajesh Kumar DIG(Adm), North West Frontier, ITBPF, PO Airport, Chandigarh (UT). In the affidavit, the answering respondent has admitted that petitioner is entitled for the relief sought in the present petition. Para 2 of the affidavit is reproduced herein:-

“2. That in pursuance of the above stated order, matter was taken up with Ministry of Personnel, PG & Pensions, Department of Pension & Pensioners Welfare, Govt. of India vide CAO, CRO, U.O. Note No.1142 dated 5.7.2016 to give their valuable advice

with regard to grant of family pension to the petitioner. The concerned Ministry has agreed to sanction family pension to Smt. Dhanpati Devi w/o No.767010108 Late Ranbir Singh E. NK/Operator, Telecom BN vide their U.O Note dated 6.7.2016 The pension case in respect of Smt. Dhanpati Devi is already under process by the authority concerned.

That in pursuance of the above, the petitioner is left with no cause of action. The present writ petition is not maintainable as on date in view of the decision taken by the answering respondent, therefore the present writ petition is rendered infructuous”

Family pension to Smt. Dhanpati Devi – petitioner is stated to be already under active consideration. Therefore, the petition do not survive for consideration. However, the respondents are directed to pay interest on the family pension @ 9 % per annum for the belated period. Further the petitioner is entitled for cost of the writ petition for the reasons that she is before this Court in the year 2012. Till 21.7.2016, the answering respondent has not taken decision as to whether the petitioner is entitled to family pension or not. Thus, unnecessarily the petitioner was compelled to approach this Court. Hence, the respondents are liable to pay cost of ₹ 20,000/- to the petitioner within a period of three months from today. Respondents are directed to release family pension along with interest @ 9% per annum within a period of three months.

2.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 22, 2016.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.