

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

**CWP No.12980 of 2015 (O&M)
Date of decision : July 25, 2016**

Mohinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person.

Ms. Vandana Malhotra, Addl. A.G., Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ? Yes
2. To be referred to the Reporter or not. Yes
3. Whether the judgment should be reported in the digest ? Yes

KULDIP SINGH J. (ORAL)

Petitioner- Mohinder Singh, now aged about 82 years, who retired as Joint Director of Hospitality Department, Punjab, has filed the present writ petition, seeking the arrears of pension w.e.f. 01.01.2014 to 30.09.2014 and 01.07.2014 to 28.02.2015.

Petitioner claims that he was above 80 years of age at the time of filing the present writ petition. His arrears are not being released. It also comes out that previously, the petitioner filed CWP No.17500 of 2010, in which this Court passed the following order:

“The Principal Secretary to Government of Punjab, Finance Department, is directed to ensure that all the arrears of pension due towards the petitioner, who is 75 years of age, are released by 22.12.2010, positively or let the said officer i.e. the Principal Secretary to

Government, Punjab, Finance Department remain present in the Court.

Since the affidavit filed on behalf of respondents admits that the arrears are payable and despite filing of the petition, the arrears have not been released, further sum of Rs.10,000/- would be paid to the petitioner by the date communicated above.

Let a copy of the order be given under signature of Reader of the Bench.”

Petitioner admits that as directed by this Court, the cost was paid and the arrears were released. Now, he is claiming the arrears of dearness allowance for the abovenoted period.

On behalf of the State, the liability is not denied. It is stated that the arrears of dearness allowance of the pension are to be paid. Since the Punjab Government has financial difficulties, the arrears are to be paid in installments. Reliance has been placed on letter dated 27.06.2016 (Annexure R/1). The Government had decided to pay the arrears in the following installments:

- i) 50% of the arrears from 01.07.2014 to 28.02.2015 @ 7% shall be paid during the second quarter of financial year 2016-2017 i.e. from 01.07.2016 to 30.09.2016.*
- ii) 50% of the arrears from 01.07.2014 to the 28.02.2015 @ 7% shall be paid during the third quarter of financial year 2016-2017 i.e. from 01.10.2016 to 31.12.2016.*
- iii) 50% of the arrears due from 01.01.2014 to 30.09.2014 @ 10% shall be paid during the fourth quarter of financial year i.e. from 01.01.2017 to 31.03.2017.*
- iv) 50% of the arrears due from 01.01.2014 to 30.09.2014 @ 10% shall be paid during the first quarter*

of financial year 2017-18 i.e. from 01.04.2017 to 30.06.2017.”

The prayer of the petitioner is that he is 82 years of age. He fears that he may not live up to June, 2017 to receive all the installments. Now the first installment has been released. The second installment is due to be released in few months. Therefore, the petitioner prays that all the arrears should be paid in one go.

While taking into consideration the contention of the petitioner, I am of the view that the petitioner has merits in his contention. There may be cases where a person has recently retired and there may be other cases, where a person crosses 75 or 80 years of age. In such cases, due to constant fear of short period of natural life/due to old age or failing health, one cannot wait for such a long period to receive the last installment. Therefore, I am of the view that making the said policy uniform to all the retirees will be unjust.

Tentatively, I am of the view that in case of retirees above 70 years of age, the payment of arrears should be made in one go. It is for the Government to take a final decision on the suggestion of this Court.

However, in case of retirees above 80 years of age including the present petitioner, a direction is issued that all the arrears of dearness allowance for the period from 01.01.2014 to 30.09.2014 and 01.07.2014 to 28.02.2015 shall be paid in one go along with interest @ 6% per annum from the date the arrears became due. The arrears of the petitioner shall be released with interest @ 6% per annum within a period of one month with cost of ₹10,000/- for forcing the petitioner to approach this Court for the payment of arrears of dearness allowance.

However, in case of retirees above 70 years, the State is given three months' time to consider and pass orders regarding payment of the arrears of dearness allowance.

Accordingly, the present petition is allowed.

(KULDIP SINGH)
JUDGE

July 25, 2016
sarita

Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No