

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

CWP No.20288 of 2013 (O&M)

Date of decision: 12.02.2016

Sat Narain Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Sud, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana,
for the respondents.

Ritu Bahri, J.

The petitioner is seeking a writ of certiorari for quashing the order dated 15.01.2013 (Annexure P-1), whereby his case for sanction of pension has been declined.

Sat Narain Singh-petitioner joined the services of respondent-department as Canal Patwari and after rendering more than 30 years of service, he sought voluntary retirement on account of personal difficulties. Eventually, he was retired on 31.10.2012. The petitioner was facing a divorce petition with his wife-Rajpati and was paying maintenance on regular basis to his daughter, who was about 28 years of age and was married. He was also paying maintenance to his unmarried son-Parveen Kumar, aged about 22 years and daughter-Jyoti, aged 18 years. After his retirement, the petitioner made number of requests to the Executive

Engineer, Bhiwani to grant him pension and other retiral benefits. In this regard, he also sent a legal notice dated 08.03.2013 (Annexure P-2) to the State of Haryana and thereafter, a letter dated 11.07.2013 to the Chief Secretary, Haryana. As per petitioner, no disciplinary proceedings are pending against him. However, the Executing Engineer, Bhiwani, vide letter dated 15.01.2013 (Annexure P-1) has declined his claim.

Upon notice, written statement has been filed by respondent Nos. 2 to 5, wherein it has been stated that as per letter dated 21.11.2013 (Annexure R-1), case of the petitioner has been sent to the Accountant General (A&E), Haryana, for sanction of pension. The delay is being caused on account of a divorce case filed by the petitioner, titled as 'Sat Narain Vs. Rajpati', which was pending in the Court District Judge, Rewari. Because of the pendency of divorce petition, pension case of the petitioner was submitted without nominee. As per the directions given by the Additional Civil Judge (Senior Division), Kosli vide order dated 17.08.2007 (Annexure R-2), respondent No.3 had been depositing the amount of maintenance in the bank account of Rajpati (wife of petitioner) i.e. A/c No.30231172361 in State Bank of India, Bhiwani, till the retirement of petitioner.

The respondents have placed on record an affidavit dated 30.05.2014 of Dalip Kumar, Executive Engineer, Bhiwani, Water Services Division, Bhiwani, stating that all the payments of retiral dues of the petitioner have since been made. Detail of payments has been given as under:-

Particular of Payment	Amount	Vr. Number and Date
Leave Encashment	213495.00	10 dated 26.11.2013
LTC	28466.00	4 dated 13.12.2013

Group Insurance Scheme	27356.00	7 dated 13.12.2013
General Provident Fund	525540.00	1 dated 12.02.2014
Gratuity	448340.00	A.G. Hy. Chd. No.94061 dated 09.12.2013
Commutation	332497.00	A.G. Hy. Chd. No.94061 dated 09.12.2013
Pension	8275.00	A.G. Hy. Chd. No. Pen2/12051367892/5/P/13/10/94061 dated 13.12.2013

A perusal of the order dated 17.08.2007 (Annexure R-2) shows that a direction was given to the XEN, Bhiwani to deposit 1/3rd share of the salary of the petitioner in the bank account of decree-holder Rajpati till the recovery of Rs.31,500/-. Pursuant to the said order, 1/3rd share of salary was being deposited in the account of decree-holder Rajpati (wife of petitioner) towards maintenance. As per letter dated 21.11.2013 (Annexure R-1), the Executive Engineer, Bhiwani had informed the Accountant General, Haryana, that vide order dated 18.09.2012, the Court of Sh. H.R. Mittal, Additional Civil Judge (Senior Division), Kosli, had stayed the retiral benefit of the respondent (petitioner herein) and thereafter, on 01.10.2012, the said petition was dismissed as withdrawn being fully satisfied. The petitioner, thereafter, was asked to sign the pension papers and application for payment of final G.P. Fund, which he has signed now on 21.11.2013. As per this letter, after 21.11.2013, when the petitioner signed the pension papers, payments were released in his favour.

A perusal of the aforesaid details of payment shows that after 21.11.2013, all the payments with regard to Leave Encashment, LTC, Group Insurance, General Provident Fund, Gratuity, Commutation and Pension

have been made to the petitioner. The delay, at best, could be calculated

from 21.11.2013. Since, all the retiral benefits have now been released and there is no delay on the part of the respondent-department, no case for grant of interest is made out.

Disposed of accordingly.

12.02.2016
ajp

(RITU BAHRI)
JUDGE