

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

Civil Writ Petition No.21064 of 2014 (O&M)

Date of decision: 25.1.2016

Surjit Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr.Vaibhav Sharma, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner is a widow whose family pension has been delayed inordinately. She claims interest on arrears of revised family pension. The claim is justified since arrears of revised pay was legally due to her and was illegally withheld by the department without passing an order in writing.

In the reply filed by the respondent-State, the delay has been imputed to the State Bank of India who was the disbursing authority. Mr.Sharma submits that so long as the Department acted without delay and within reasonable time and sent the case to the bank for release of arrears, then the burden of interest should not fall on the State and should be

transferred to the State Bank of India who was the disbursing authority.

No one appears for the petitioner to rebut what Mr.Sharma says. In any case, no replication has been filed by the petitioner to rebut this explanation of the State. Since the interest is now due and payable to the petitioner at the rates admissible on fixed deposit receipts/arrears of family pension as per rules, the element of interest would be the liability of the State Bank of India to calculate and pay/deposit into the account of the family pensioner.

With these directions, the petition is disposed of. In case, the petitioner has any remaining grievance, she would be free to file an application in this disposed of matter for any further orders that may be required to be passed.

(RAJIV NARAIN RAINA)
JUDGE

January 25, 2016
Paritosh Kumar