

“4. It is to mention here for the kind perusal of the Hon'ble Court that the petitioner had submitted her pension papers in the office on 15.1.2014 Annexure 'A' whereas she was required to submit the papers prior to 6 months of her retirement i.e. before 31.10.2013. As such, she is responsible for late submission of her pension papers in spite of the fact that the petitioner herself was dealing hand for her establishment in the office and could not pursue the case at the earliest. It is further submitted here that as per office letter dated 10.6.2014 Annexure 'B' of the office of Accountant General, the pay of petitioner was wrongly fixed w.ef.

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01.04.2008 and thus the pay of the petitioner was refixed and thereafter the pension case of the petitioner was submitted to the office of Accountant General on 28.8.2014 without any unnecessary delay. On the receipt of office order to sanction gratuity of Rs. 658208/- dated 24.09.2014 it was found that the designation of the petitioner was wrongly mentioned in the pension papers which was got corrected from the office of Accountant General and obtained by hand on dated 19.11.2014. Out of gratuity Rs. 658208/- the amount of Rs. 652230/- was paid to the petitioner on 25.11.2014 after making recovery of Rs. 5978/- in response of Accountant General letter No. Pen-02/2181429581/2014-15/PE/14/10/80060888 dated 24.09.2014 Annexure 'C' which was paid to the petitioner in excess due to wrong fixation of pay w.e.f. 01.04.2008. She was knowingly and intentionally has been drawing more pay w.e.f. 01.04.2008 though she was the dealing hand in the office.”

I have heard the learned counsels for the parties and have also carefully gone through the file.

The perusal of the reply shows that according to the respondents, the pension papers were submitted by the petitioner only three months before her retirement, whereas it should have been submitted six months before the retirement and that there were some objections from the office of Accountant General regarding fixation of pay.

I am of the view that for completing these formalities, three months' time could be taken to be reasonable time after the retirement of the petitioner. However, despite the retirement of the petitioner on 30.4.2014, till date nothing has been released to her (except gratuity, which is already stated to be released). There is apparent mishandling on the part of the respondents, for which the petitioner cannot be blamed, except that the respondent is to be given three months' time after the retirement as

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reasonable time to make the payment. Accordingly, the respondents are directed to release all the pensionary benefits (except gratuity, which is already stated to be released) within two months from the date of receipt of copy of this order with interest at the rate of 9% per annum three months from the date of retirement of the petitioner till actual payment is made.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

15.9.2016

sjks

Whether speaking / reasoned : Yes

Whether Reportable : No