

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

CWP No. 819 of 2012

Date of Decision: 23.09.2017

OM PARKASH RUPRAO

... Petitioner

VS.

PUNJAB NATIONAL BANK AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. H.S. Saggu, Advocate,
for the petitioner.

Mr. Arvind Rajotia, Advocate,
for respondents No. 1 to 3.

Mr. Madan Gupta, Advocate,
for respondent No. 4.

KULDIP SINGH, J. (Oral)

Om Parkash Ruprao-petitioner, who voluntarily retired as Assistant Manager from the Punjab National Bank, Hisar, on 19.10.1996, by way of this writ petition filed under Article 226/227 of the Constitution of India seeks the issuance of writ of mandamus directing the respondents to make the payment of commuted value of pension alongwith 18% interest from the date it became due.

According to the petitioner, he has voluntarily retired on 19.10.1996. The commuted value of pension has not been paid to him and accordingly he filed this writ petition in the year 2012.

As per the respondents, there is no delay in the payment as it is stated that the commuted value of pension i.e. ₹2,46,565/- has already been paid vide Cheque No. 963435 dated 11.04.1997 to the petitioner. In support of their contention, they have also placed on file the Pension Payment Order (PPO) dated 21.04.1997 vide which the commuted value of pension was fixed.

I have heard learned counsel for both the parties.

CWP No. 819 of 2012

The pension was received by the petitioner as per the cheque dated 21.04.1997 placed on file. The petitioner claimed that after his retirement, he shifted to Ballabgarh (New Delhi) for the treatment of his wife, who was suffering from Cancer and ultimately died in the year 2001. Therefore, he could not approach this Court in time for his grievance.

The petitioner vide order dated 17.08.2015 was directed to produce the extract of the pass-book relating to the years 1997, 1998 and 1999 to see whether the commuted value of pension had been deposited in his account or not ? The petitioner has failed to produce the same stating that the same is not traceable. The respondents have also taken the stand that after a lapse of 16 years, the record of making the payment is not traceable

I am of the view that if the payment of commuted value of pension was not received by the petitioner after his retirement, the petitioner should have come to the Court within reasonable time. After the lapse of 16 long years, when most of the record is not available, the plea of the petitioner cannot be sustained. As per PPO produced by the respondents, the commuted value of pension has been paid by the petitioner and even the pension was being released on the same PPO.

In view of the above, no ground to interfere in the impugned order is made out. Hence, the present petition stands dismissed.

September 23, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned

✓
Yes / NO

Whether Reportable

✓
Yes / No