

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

Sr. No.215

Civil Writ Petition No.14558 of 2015
DECIDED ON: August 27, 2018

RAJ BALA

..PETITIONER

VERSUS

**UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Mr. C.L. Sharma, Advocate with
Ms. Shailly Sharma, Advocate,
for the respondents.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondents to pay interest on the delayed payments of family pension in view of Full Bench judgment of this Court in case *A.J. Randhawa vs. State of Punjab & Ors., decided on 16.05.1997 (P-4)*.

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2. Undisputably, husband of the petitioner namely Suresh Kumar who was working as Assistant Lineman he was electrocuted while performing his duty sought voluntary retirement which was granted from 04.04.2001 and was granted invalid pension. Though, he was taken away by the nature on 21.09.2003 yet the petitioner applied for family pension in the month of May, 2010, being legally wedded wife of deceased Sh. Suresh Kumar as per Rule 4(i) of the Family Pension Scheme, 1964. When the family pension was not accorded to her, she preferred Civil Writ Petition No.6989 of 2012, captioned as **Raj Bala vs. MD, UHBVN & ors.**, which was disposed of vide order dated 15.10.2012 by this Court with the following order:-

“Husband of the petitioner, who was working as Assistant Lineman, took voluntary retirement on 31.5.2000 and was granted invalid pension. On 18.5.2010, after the death of her husband, the petitioner applied for family pension. According to the petitioner, she being the legally wedded wife of the deceased employee was entitled to the family pension as per Rule 4A of Family Pension Scheme, 1964. In spite of the fact that she had represented to the respondents, her grievance has not been redressed.

On the other hand, learned counsel appearing on behalf of the respondents has stated that in the record and personal file of deceased employee i.e Suresh Kumar, no family details were given along with pension papers. Neither any joint photograph with the petitioner was provided by the pensioner at the time of submission of pension papers. The respondents have many times asked the petitioner to submit necessary documents/proofs for consideration of her claim and in case she furnishes the necessary documents/proofs/legal evidence to claim the pension, the respondents shall consider the same.

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Faced with this situation, counsel for the petitioner states that the necessary documents/legal evidence shall be furnished within a period of three months from today.

In case any such document is furnished, the claim of the petitioner shall be considered in accordance with law within a period of two months thereafter and in case the petitioner is entitled to the family pension, the same shall be released to her within one month thereafter.

Needless to say that in case the claim of the petitioner is to be rejected, the speaking order shall be communicated to her.

Disposed of.”

3. Subsequent thereto, in compliance of order dated 15.10.2012 passed by this Court referred to above, the necessary pension papers were submitted on 18.11.2013 and after having considered her claim, family pension was granted to the petitioner vide order dated 04.10.2014. Through the instant petition now the petitioner has claimed interest on the delayed payments. Since, the pension papers were submitted on 18.11.2013 in compliance of the aforesaid order dated 15.10.2012, which was obligatory upon the respondents to consider her claim for grant of pension within a reasonable period i.e. three months from the date of submission of pension papers. However, needful was done in the month of October, 2014 and accordingly, payment was released in the month of October, 2014. Since, there is a delay on the part of the respondents for grant of pension and release of arrears thereof, she deserves to be compensated by way of grant of interest.

4. Accordingly, instant petition is disposed of with a direction to the respondents to grant interest @ 9% p.a. after the expiry of three months

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from submission of pension papers i.e. on 18.11.2013 till the actual disbursement of dues to the petitioner. The needful is expected to be done within a period of two months from the date of receipt of a certified copy of this order. In case of default or non compliance of the order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

August 27, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**