

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19714 of 2013
Date of Decision : 04.12.2018

Manohar Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Ranjit Saini, Advocate for the petitioners.

Mr. Ravi Dutt Sharma, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioners have approached this Court raising a grievance that all the petitioners are pensioners and the respondents-State is not paying/depositing their monthly pension within the timeframe i.e. by first week of every month.

As per the averments made in the writ petition, the respondents-State is very irregular in depositing the pension of the petitioners in their accounts by first week of every month. Sometimes, the pension is deposited in the last week of the month, which causes lot of inconvenience to the pensioners, who are solely dependent for their livelihood on the amount, which they received by way of pension.

In the reply to the writ petition, the averments made in the writ petition have been denied and it has been stated by the respondents that the pension is released within the first week of every month. It has been

submitted by the State counsel that sometimes, the Institution(s) does not submit the necessary details within timeframe, due to which the pension used to be deposited late. Learned State counsel further states that the process of depositing of the pension has been streamlined by the State of Haryana. In this regard, learned State counsel relies upon an affidavit, which has been filed by Mahavir Singh, Principal Secretary to Govt. of Haryana, Department of Higher Education, Chandigarh. In the said affidavit in para 2, the following averments have been made :-

“2. As desired, it is pertinent to mention here that the budget for making the payments to the pensioners etc. is allocated by the Finance Department Government of Haryana, for every financial year. It is further submitted that the total budget allotted by the Finance Department, Haryana is drawn by the Registrar Education, being the sole drawing and disbursing officer office of Director Higher Education, Haryana Panchkula.

Further so far the issue of disbursement of payment of pension in every financial year is concerned, it is submitted that the payment of pension is disbursed on monthly basis after receiving pension bills/claims from the respective private management of aided colleges and thereafter, the bills/claims submitted by the respective aided college are examined and verified for certain parameters so that the possibility of misuse of Government funds by a private body could be prevented. It is further submitted that the process of disbursement of payment of pension, on monthly basis the following exercise is done so as to avoid misuse of funds :-

- 1. To ensure the correctness of amount of pension to be paid in the petitioner's account as submitted by the management of Govt. Aided Private College.*
- 2. To check the genuineness of the nominee of pensioner*

in case of deceased pensioner.

- 3. To check the calculation of dearness allowance whenever revised by the Government time to time and deduction of income tax etc. as applicable as per Income Tax Rules of Govt. of India issued from time to time.*
- 4. To verify the pension amount in cases of enhanced/reduced pension where in the case of death of pensioner.*
- 5. Moreover, the State Government has no other way to check the disbursement of funds except the one mentioned above and to avoid the possibility of misuse of Government funds by a private body and to eliminate any violation of Finance Department rules/instructions. Therefore, the sanction to grant the amount of pension every financial year could not be given to private management of aided college.”*

Further, it has been mentioned that E-Pension System has also been implemented for timely disbursement of pension.

In para 3 of the said affidavit, it has been mentioned by the Principal Secretary to Govt. of Haryana that the private management of aided colleges have been asked to strictly comply with the instructions of sending the bills without any delay so as to avoid any prejudice to the pensioners for non-deposit of their pension by first week of every month. Alongwith the affidavit, Annexure A-1, the Instruction which has been issued to all Principal of the Aided Colleges has also been appended, which is dated 16.08.2016.

Learned counsel for the petitioner rebuts the statements made on behalf of the State saying that the affidavit was filed by the Principal Secretary in September, 2016. Even after the expiry of two years, the

pension is still being received late by the pensioners and the averments/undertaking given before this Court that the payment of pension has been streamlined by taking certain possible measures is not correct.

Faced with the situation, learned State counsel undertakes that as the payment of Pension System has already been streamlined and the exception of late deposit is not a Rule, therefore, the State will ensure henceforth that the payment of pension is made to every pensioner by first week of every month. The respondents-State is directed to implement the Instruction dated 10.09.2012 which deals with the payment of pension. The Instruction issued by the State of Haryana needs to be implemented without any delay.

Keeping in view the above undertaking given on behalf of the respondents-State, learned counsel for the petitioners states that this writ petition can be disposed of having not pressed.

The present writ petition is disposed of. The respondents-State shall comply with the undertaking given by the State counsel on instructions from Mr. Harpal Singh, Accounts Officer in letter and spirit.

December 04, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No