

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9142 OF 2015
DECIDED ON: FEBRUARY 14, 2018

SANTRA

.....PETITIONER

VERSUS

UHBVNL AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sumit, Advocate for
Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Amit Sheoran, Advocate,
for respondent No.2.

JASPAL SINGH, J.

Reply filed on behalf of respondent No.2 is taken on record, subject to all just exceptions.

2. By virtue of instant petition preferred under Article 226 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the withheld commutation amount and to grant interest on delayed payments w.e.f. 31.03.2006 @ 18% per annum on commutation amount of Rs.2,73,942/-.

3. As per the case set up in the petition, the husband of the petitioner stood retired on 31.03.2006. However, it has been alleged that he has not been disbursed the commutation amount and interest @ 18% per annum on

commutation amount of Rs.2,73,942/- for a period of 9 years.

4. Here, it would be pertinent to mention that husband of the petitioner stood retired on 31.03.2006 from the service and a consolidated Cheque No.231795 dated 15.09.2006 amounting to Rs.5,06,620/- was paid to husband of the petitioner which included DCRG, commutation and arrears of pension but the factum of receipt of aforesaid amount has not been disclosed in the instant petition. Otherwise also, petition has been filed in a casual manner and without ascertaining the actual and factual facts. The amount was received by late Shri Jagbir Singh in the month of September 2006, who was subsequently taken away by the nature on 01.06.2013. Meaning thereby, that during his lifetime i.e. approximately about 7 years, he did not come forward to claim any such relief. Subsequent thereto in the year 2015, the instant petition has been filed by his widow wife, which is after about one decade after the retirement of her husband.

5. In view of the aforesaid facts particularly that the amount of commutation and other benefits have already been disbursed to the husband of the petitioner in the month of September 2006, no cause of action survives for filing the instant petition. Dismissed with no order as to costs.

FEBRUARY 14, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***