

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

CWP-4156-2018

Date of decision: 15.7.2019

Kulwinder Kaur and another

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.KB Raheja, Advocate for the petitioners

Mr.VK Kaushal, Advocate for respondent Nos. 1 to 3

Mr.Kunwar Rajan, Advocate for respondent No.4.

JITENDRA CHAUHAN, J.

The present writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to respondent No.1 to 3 to release the arrears of maintenance due towards respondent No.4 as per letter No. 201430/1004/A1 (DV-3) dated 31.3.2017 conveyed to the said respondent vide letter No. 4476909MA dated 14.8.2017 (Annexure P-1).

Learned counsel for the petitioners submits that the petitioners are the wife and son of respondent No.4, against whom order dated 14.8.2017 was passed to pay maintenance @ 27.5 % per month (22 % to wife and 5.5 % son) out of the total pay and allowances. Now the said respondent has retired from service. The substantial amount is still due against him with regard to the arrears.

On the other hand, learned counsel for respondent No.4 does not deny these facts. Despite specific directions to file reply, respondent No.4 chose not to file the reply.

Heard.

The petitioners are the wife and son of respondent No.4, who was working in the Indian Army. They have been deserted by respondent No.4. On an application moved by them, vide letter No.201430/1004/A1 (DV-3) dated 31.3.2017, maintenance of Rs.12,439/- per month @ 27.5 % (22 % for petitioner No.1 and 5.5 % for petitioner No.2), was awarded in their favour, totalling of Rs.2,00,842/- out of the total pay and allowances of respondent No.4, who has since retired in the month of January, 2018. Vide order dated 21.2.2018, the Court had ordered not to release the retiral benefits to respondent No.4.

Keeping in view the peculiar facts and circumstances of the case, the present petition is allowed and respondent No.1 is directed to make payment towards the arrears of the petitioners before releasing the retiral benefits of respondent No.4.

15.7.2019
gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No