



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4943 of 2021

E.Gopinath

... Petitioner

-vs-

1. The Commandant,
2 Signal Battalion,
Central Reserve Police Force,
Keshovgiri Post, Chandrayangutta,
Hyderabad - 500 005, Telangana State.

2. The pay and Accounts Officer,
Central Reserve Police Force,
Ministry of Home Affairs,
Plot No.14, PSP-2, Sector - 23,
Rohini, Near Begumpur Police Station,
New Delhi - 110086.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned order of the 1st respondent in No.P.III-46/2019-Pen-2 Sig dated, the 8 December, 2020 and quash the same and direct the respondents to authorize single pension payment order in the petitioner's name and sanction and disburse the retirement benefits payable to the petitioner such as DCRG, GIS, GPF including pension arrears with interest at the rate of 12 % per annum for the said belated payment.

For Petitioner : Mr.P.Mohanraj

For Respondents: Mr.Infant Dinesh

O R D E R

This Writ petition is filed, to quash the impugned order in No. P.III-46/2019- Pen - 2Sig, dated 08.12.2020 passed by the 1st respondent and consequential direction to the respondents to authorize single pension payment order in the petitioner's name and disburse the retirement benefits payable to the petitioner such as DCRG, GIS, GPF including pension arrears with interest at the rate of 12 % per annum for the said belated payment.



2 Mr. Infant Dinesh, learned counsel takes notice for R4. By consent, final orders are passed in the Writ Petition at the admission stage.

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3. The petitioner has challenged the impugned order made in No. P.III-46/2019-Pen-2 Sig, dated 08.12.2020 passed by the 1st respondent on the ground of rejecting the request of the petitioners for interest and authorisation of invalidation pension payable to other person in case of demise of the petitioner.

4. The petitioner has come forward with the aforesaid prayer stating that the invalidation pension proposal along with Service Register has been returned as they have submitted joint Bank Pass Book account wherein he has nominated his wife for pension and other benefits. The petitioner submitted that he has filed petition for divorce and due to the pendency of the divorce petition, the question of joint account may arise.

5. The learned counsel for the respondent would submit that there is no necessity to make his wife as a joint account holder. Any person including the mother of the petitioner can also be made as joint account holder, and hence the account can be withdrawn by the joint account holder. Even assuming that he is going to die before the conclusion of the divorce petition, if he is willing to make his mother or any other person as joint account holder, the entire money can be withdrawn by them and not by his wife.

In such circumstances, the petitioner is permitted to submit the joint account in order to enable the respondent to uphold the records for the purpose of extending the monetary benefits. Since the petitioner is medically invalidated, the joint account holder name should be included in the pass book, so that the entire amount would be credited to the said account for the petitioner to withdraw the same.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vum



To

1. The Commandant,
2 Signal Battalion,
Central Reserve Police Force,
Keshovgiri Post, Chandrayangutta,
Hyderabad - 500 005, Telangana State.

2. The pay and Accounts Officer,
Central Reserve Police Force,
Ministry of Home Affairs,
Plot No.14, PSP-2, Sector - 23,
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+1cc to Mr.J.Lakshmi Narayanan, Advocate, S.R.No.13125

W.P.No.4943 of 2021

PMK(CO)
SB(15/07/2021)

02.03.2021