211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12922-2020(O&M)
Date of decision:15.02.2021

Narinder Kaur

.......Petitioner

Versus

State of Punjab and others

......Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.R.K.Arora, Advocate for the petitioner

Mr. Nikhil Chopra, Addl. AG, Punjab

ANIL KSHETARPAL, J.

The writ petitioner-widow of late Sh. Harbans Singh, who died on 06.05.2016, has invoked the extraordinary jurisdiction of this Court for releasing the family pension, DCRG, amount of ex-gratia etc.

On 14.01.2021, the following interim order was passed by this Court:-

> "It has been noticed that the petitioner prays for the release of the family pension, DCRG, the amount of Ex-Gratia etc. Late Sh. Harbans Singh had died on 06.05.2016. More than 4 ½ years have elapsed, still the Government has not released the pensionary benefits.
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> On 27.08.2020, notice of motion was issued and the office of the Advocate General, Punjab, accepted notice. The case was adjourned enabling the respondents to file reply. Thereafter, the case was taken up on 10.12.2020 and adjourned on the request of learned counsel appearing on behalf of the State of Punjab. It was clearly indicated that if the reply is not filed well before the date fixed with a copy in advance to learned counsel

for the petitioner, the Chief Town Planner, Department of Town and Country Planning, Punjab, shall be required to attend the hearing of the case. Even today, no reply has been filed.

Mr. Pankaj Bawa, Chief Town Planner, Department of Town and Country Planning, Punjab, is present in the Court and submits that he has not received a copy of the writ petition.

The statement is not acceptable. The office of Advocate General, representing the State of Punjab is supplied the copy in advance.

Keeping in view the aforesaid facts, this Court is left with no choice but to pass some drastic order. Hence, the release of salary of the Principal Secretary as well as the Chief Town Planner, Department of Town and Country Planning, Punjab, is stayed till the admissible amount of the pensionary benefits to the petitioner is released. The Principal Secretary shall be required to file an affidavit explaining the reasons for delay of more than 4 ½ years in release of the pensionary benefits of the deceased employee before the next date of hearing.

List on 15.02.2021."

The respondents have sent a reply on the official email of the court stating as under:-

"4. That it is respectfully submitted here that the husband of the petitioner was appointed as a Chowkidar on adhoc basis on 21.08.1995 with the office of District Town Planner, Sangrur i.e. Respondent No.3. Subsequently, the services of the husband of the petitioner came to be regularized on 07.06.2004.

5.That during his service, the husband of the petitioner expired on 06.05.2016. Thereafter, the petitioner submitted Legal Heir Certificate with the office of District Town Planner, Sangrur i.e.

Respondent No.3 on 21.07.2016 (Annexure P-7 with the writ petition).

6.That after the death of the husband of the petitioner, the office of Respondent No.3 released the following amounts to the petitioner:-

Sr. No.	Head of Payment	Amount Due in (Rupees)	Date of sanction of payment.
1.	G.I.S.	(i) 15,000/- (ii) 2393/-	Vide Order No.1588 dated 29.08.2016 Vide Order No.1595 dated 29.08.2016
2.	Leave Encashment	2,34,657/-	Vide Order No.1512 dated 11.08.2016
3.	G.P.F.	1,82,566/-	Vide Order No.1732 dated 20.09.2016
	Total	**Rs.4,34,616/-**	

7. That it is pertinent to mention here that the services of the husband of the petitioner came to be regularized on 07.06.2004. As such, there was some confusion with regard to the applicability of the Old Pension Scheme which is applicable only to the employees whose services have been regularized on or before 01.01.2004. Accordingly, there has been delay on the part of the office of Respondent No.3 with regard to grant of pension and other retiral benefits to the petitioner.

8. That the office of Respondent No.3 after scrutinizing

the service records of the husband of the petitioner has now processed the due amounts payable to the petitioner on account of service rendered by her husband. The details of the due amounts payable to the petitioner is as under:-

Sr. No.	**Head of Payment**	**Amount Due in (Rupees)**	**Date of sanction of Payment**
1.	Ex-Gratia	1,00,000/-	Vide Order No.179 dated 01.02.2021
Total		Rs.1,00,000/-	

9. That it is further relevant to mention here that in so far as the family pension and D.C.R.G. due towards the petitioner is concerned, respondent No.4 vide despatch No. PEN-02/2182116575/ 2020-21/P.F./21/11 /80292106 dated 08.02.2021 has issued PPO No. 1421016575 and Gratuity Payment Order No. Punjab/ 1221016575 in favour of the petitioner as **Annexure A-1** and **Annexure A-2** respectively.

10. That apart from the abovementioned amounts, no other amount is due to be paid to the petitioner on account of service rendered by her husband.

11. That it is not out of place to mention here the delay in releasing the due amounts admissible to be paid to the petitioner on account of Family Pension, Gratuity, Ex-Gratia is due to the lapse on the part of officials of the Respondent No.3 i.e. District Town Planner, Sangrur. The deponent undertakes to initiate

> departmental action against the erring officers/officials for the delay caused in releasing the due amounts to the petitioner."

In view of the aforesaid stand, it is apparent that an amount of Rs.1,00,000/- has already been released to the petitioner as admitted by the learned counsel for the petitioner. The payment orders with respect to family pension, DCRG and the gratuity have been issued.

Learned counsel for the petitioner contends that the respondents have without any justification made deduction. He, hence, submits that the petitioner be granted liberty to challenge the aforesaid orders. He further prays that since there is a delay of more than 4 years which is not attributable to the petitioner, therefore, the payment be ordered to be released with the appropriate rate of interest.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing the respondents to release the admitted amount of retiral benefits forthwith but not later than six weeks from today alongwith interest at the rate of 8% per annum from the date it was due. The petitioner would be at liberty to challenge the order deducting certain amount payable to him.

Disposed of.

15.02.2021 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned Yes /No
Whether Reportable Yes / No