IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21003-2020
Date of Decision: 05.04.2021

Raj Bala …Petitioner

V/S

State of Haryana and others …Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Jagdish Manchanda, Advocate,
For the petitioner.

Mr. Manoj K. Taya, AAG Haryana

Mr. Rakesh Kumar Chauhan, Advocate,
For respondent No.4.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a yet another case of red tapism and bureaucratic delay, owing to which a hapless poor senior citizen 80 years old widow, after having got fully exhausted running from pillar to post, is before this Court. She seeks issuance of a writ in the nature of mandamus directing the respondents to disburse her family pension, to which she is entitled on account of death of her husband, who served with the Government Industrial Training Institute from the year 1967 to 31.10.1994. Her late husband joined as Chowkidar and all throughout his life until his retirement, served as such. Subsequently, he died on 10.10.1999 after a prolonged illness. It is then that the agony of the widow got multiplied. On one hand, she lost her husband and on the other, the family pension was stopped by the respondents. She applied for the family pension and was allotted her PPO

No.61288 by the Treasury Office of respondent No.5. Pension book qua the same was also issued to her.

Apathy and the non-challant attitude of the respondents No.1 to 3 (employer of the deceased husband) is borne out from the following preliminary objections taken up in their written statement, which sum up their defence to resist the writ petition:-

> *"2. The brief facts of the case are that the husband of the petitioner was employed as Chowkidar in 1967 in Industrial Training and Vocational Education Department now Skill Development and Industrial Training Department, Haryana and was posted in the Government ITI, Karnal. The husband of the petitioner retired on 31.04.1994 from Government ITI, Karnal and died post retirement on 10.10.1999 due to long illness. <u>It is also relevant to mention here that the family pension was also withheld by respondent's No.4 and 5. Further it is pertinent to mention here that after retirement of an employee, the matters regarding pension of employee, family pension and other related matter of releasing monetary benefits are exclusively handled by the respondent No.4 and the answering respondents have no role in such matters.</u> Answering respondents are not empowered to settle pension & monetary benefits of retired employee or his/her family members. The answering respondents had already forwarded the service record of husband of the petitioner to the respondent No.4 for settling of pension and other monetary benefits. So the answering respondents are not necessary party in the present petition." (Emphasis Supplied)*

A perusal of the above shows that long and short defence of respondents No.1 to 3 to wash of their hands for non granting the pension is that it was respondent No.4, who was not settling the pension and other monetary benefits. Whereas, respondent No.4 has taken a following stand in its reply.

"In reply to the writ petition, it is submitted that pension case was supplied by the office of the Principal, Industrial Training Institute, Ballah (Karnal) vide letter No.107 dated 25.01.1995 (Pension Sanctioning Authority) to the office of the answering respondent with the intimation that Sh. Bhim Singh retired as Chowkidar on 30.11.1994 and recommended to release the pensionary benefits in his favour. Accordingly, pension @ 388/- p.m. vide PPO No.1288/HR and commutation of pension amounting of Rs.19,117/- was authorized by the office of the respondent vide letter dated 25.10.1995. Further, after the death of Sh. Bhim Singh, the petitioner is entitled to receive the family pension. Moreover, no order regarding the stoppage of family pension has been issued by the office of the answering respondent. Further, the petitioner sought the relief against the respondents No.1 & 4 and not against the office of the answering respondent." (Emphasis supplied)

A collective reading of the returns filed by respondents No.1 to 3 vis-a-vis respondent No.4 leaves no manner of doubt that it is the respondents, collectively, who are responsible for the sordid plight of the widow. She had to undergo needless litigation after having completely exhausted herself running around in various offices of the respondents.

Confronted with the above, learned State counsel argues that in case where family pension has been stopped for more than 3 years, for disbursement of the same, sanction of Accountant General is required as per Rule 12.13 of the Civil Service Rules Vol. IV.

Be that as it may, the sanction, if any, was required to be obtained by the officials of respondents No.1 to 3. The petitioner cannot be made responsible for the same. It is open for the said respondents, whosoever is responsible, to get the contended necessary sanction from the Accountant General.

In the aforesaid premise, writ petition is allowed with costs of Rs.50,000/- to be paid by respondents No.1 to 3. The respondents are directed to forthwith calculate the amount due to the petitioner towards her family pension, with effect from the date her husband died till today and pay arrears along with 8% interest per annum within a period of 6 weeks from today, failing which, the petitioner shall be entitled to a penal interest of 12% per annum with effect from the date of death of her husband till actual date of payment.

Allowed in the above terms.

April 05, 2021 **(ARUN MONGA)**
vandana **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No