

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CWP-7902-2021 (O&M)

Date of Decision : April 21, 2022

Naresh Kumar

.. Petitioner

Versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohit Rathee, Advocate, for the petitioner.

Mr. Ramesh Chand Sharma, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-12105-CWP-2021

As prayed for, the application is allowed.

CWP-7902-2021

Present petition has been filed for the release of the pensionary benefits of the petitioner after he retired from service on attaining the age of superannuation on 31.01.2020.

Learned counsel for the petitioner argues that in the present case, the pensionary benefits of the petitioner have not been released on the ground that the petitioner has not submitted joint photograph of his along with his wife as well as a copy of account statement showing joint account of his along with his wife.

Learned counsel for the petitioner submits that there is a matrimonial dispute of the petitioner along with his wife and she is not residing with him and in these circumstances, the petitioner cannot comply with the directions of the respondents of supplying a joint photograph along

with his wife though, the petitioner has undertaken to give a separate photograph of each in case needed but the same has not been accepted by the respondents. Learned counsel for the petitioner further submits that as there is no joint account of his along with his wife, he cannot open a joint account now keeping in view the matrimonial dispute and in default of the same, the respondents have not released his pensionary benefits. Learned counsel for the petitioner further submits that asking of these details has no co-relation with the release of the pensionary benefits as same are only needed in case, family pension is to be granted after the death of the petitioner.

The prayer of the petitioner is for release of the pensionary benefits forthwith.

Learned counsel for the respondents submits that requirement of joint photograph of husband and wife and a joint account statement has been demanded as per the requirement, he has not been able to give the justification or the purpose for the said requirement, being asked from the petitioner to be fulfilled.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner is having a matrimonial dispute with his wife and the wife is not residing with him and he does not have any joint photograph of his along with his wife, the respondents cannot demand the same from him under these circumstances especially when, the petitioner is ready to give separate photograph of his and his wife to the respondents for record.

That should suffice the purpose of requirement for joint photograph in case, at the time of grant of family pension, need for the same arises. Further, as being claimed by the petitioner that there is no joint account of the petitioner with his wife, the same cannot be demanded as a mandatory provision for release of the pensionary benefits especially when the purpose behind the same demand is not disclosed by the respondents. Nothing has been brought to the notice of this Court as to why the requirement being asked from the petitioner is mandatory for the release of the pensionary benefits.

Keeping in view the above, in case the petitioner supply separate photograph of him and his wife along with the details should suffice the demand and the pensionary benefits to the petitioner be released forthwith without any further delay.

As demand of the respondent, due to which the pensionary benefits have been withheld, is totally unjust and the respondents have retained the pensionary benefits of the petitioner for more than one year, the petitioner is held entitled for interest on the payment which will be released to him now @ 6% per annum from the date the pensionary benefits became due till the release of the same.

Let this order be complied with within a period of two months from the receipt of copy of the same.

The present petition is allowed in above terms.

April 21, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes