IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.30550 of 2019
Date of Decision: 07.09.2022

Dalbara Singh

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Petitioner in person.

Ms. Ambika Bedi, A.A.G. Punjab
for respondent Nos.1 to 5.

Mr. Virender Sood, Advocate
for respondent No.6.

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VIKAS SURI, J. (Oral)

This petition filed under Article 226/227 of the Constitution of India seeks issuance of a writ in the nature of mandamus, directing the respondents to issue the petitioner's original Pension Book, required for getting medical treatment from hospitals and for seeking reimbursement of medical bills and other purposes.

The facts, tersely stated are that the petitioner after attaining the age of superannuation retired on 30.09.2007, as Senior Assistant from the office of General Manager, Punjab Roadways, Patti Depot, District Tarn Taran (respondent No.3). The original pension payment order of the petitioner was neither issued nor handed over promptly after his retirement and since then he has been running from pillar to post for his rightful due. The petitioner made many representations and mercy appeals for the original Pension Payment Order (PPO) to be handed over to him, a few of which are placed on record as Annexures P-1 to P-6 to the writ petition.

It is averred that the petitioner retired after having rendered about 24/25 years of service and since his retirement in September 2007, he has been to every authority concerned that would have dealt with some process or part of it while preparing his pension case papers, requesting for the original copy of the pension book to be returned to him.

Notice of the petition was issued to the respondents. Written Statement on behalf of respondent Nos.2 and 3 and a separate one behalf of respondent No.6, have been filed.

Para Nos.4 and 5 of the reply filed on behalf of respondent No.6-Bank, reads as under:

> "4. That the Respondent no.6, after having received the copy of CWP, searched the records available with the branch and has been successful in tracing out the said original PPO No.224437/PB dated 19.02.2009, is annexed as **Annexure** **R-1**.
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> 5. That the Respondent No.6 is producing the original Pension Book before this Hon'ble Court on next date of hearing i.e. 22.04.2020, for delivery of the same to the petitioner, in the Hon'ble Court, in compliance with the orders dated 05.03.2020."

Also annexed with the aforesaid reply, is a copy of the PPO (Annexure R-1), which is stated to have been traced out and the said copy depicts to have been prepared on 19.02.2009. The said PPO also shows that a certificate dated 19.09.2019 is endorsed by the District Treasury Officer, Ludhiana, recording that no payment has been made by that office. However, no explanation or information has come forth on record, that may have any semblance to some sort of justification for the delay of more than

10 years between preparation of the said pension payment book and certification by the Treasury Officer.

Learned counsel for respondent No.6 has produced in Court the original of Annexure R-1, which is handed over to the petitioner in person, who accepts it with moist eyes. Overcoming his emotions, the petitioner prays for adequate compensation submitting that in the absence of the said original document, he had to incur additional expenditure on account of making full payment towards medical bills and without having been able to avail any concession under the various laudable schemes for pensioners.

Heard learned counsel for the parties and they have very ably taken me through the pleadings and the material on record.

A perusal of the paper book shows that there is no material on record that could be safely relied upon to even remotely assess the amount of actual loss or damages suffered by the petitioner, on account of not having been able to avail of the various facilities available to pensioners, on the strength of the Pension Payment Book. In the said circumstances, the question of compensation for non-liquidated damages and harassment is left open, with liberty to the petitioner to seek appropriate remedy, as may be available, in accordance with law.

Be that as it may, this Court cannot shut its eyes to the plight of the petitioner, who retired in September 2007 and it has taken 15 years to handover the original Pension Payment Order to him. Eventually, the PPO was traced out from the records of the respondent-bank. A look at the said document shows, on the face of it, to have been prepared more than seventeen months after the petitioner had retired and the endorsement by the treasury thereon, is about a decade later from the date of its preparation. The petitioner had to invoke jurisdiction of this Court by way of the present petition, for the respondents to take the matter seriously. In such circumstances, costs of this petition are awarded in favour of the petitioner and against the respondent No.6-Punjab National Bank, which are quantified at Rs.50,000/-. The costs be paid to the petitioner by way of a demand draft, within six weeks from today.

This petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

September 07, 2022
Sachin M./Ajay

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