In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19514 of 2017
Date of decision: 09.01.2023

Santosh Devi

......petitioner

Versus

State of Haryana & ors

.......Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.R.K.Chaudhary, Advocate for
Mr.K.L.Dhingra, Advocate
for the petitioner.

Mr.Tapan Kumar, DAG, Haryana.

Mr.Arvind Rajotia, Advocate
for respondent No.5.

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Raj Mohan Singh, J.

The petitioner has filed this writ petition for the issuance of necessary directions to the respondents to immediately release enhanced pension and its arrears with 18% interest, which has not been released w.e.f. 27.08.2011 by the Treasury Office, Kharkhoda, District Sonepat.

The grievance of the petitioner is that the Accountant General (A&E), Haryana has already endorsed the claim of the petitioner with regard to the family pension and its arrears w.e.f. 27.08.2011, which has not been credited to the account of the petitioner. It appears from the stand taken by the official respondents and the bank/ respondent No.5 that the petitioner is entitled for enhanced family pension w.e.f. 27.08.2011 to 27.08.2014, but the official respondents and respondent No.5-bank are denying their liability to pay the interest. The arrears of enhanced pension have already been released, but the interest component w.e.f. 27.08.2011 till payment of arrears has not been paid so far.

Admittedly, during the period from 27.08.2011 to 27.08.2014, the petitioner was being paid family pension through Punjab National Bank. Perusal of the letter dated 05.10.2015 issued by the office of Accountant General (A&E), Haryana to the Treasury Officer, Sonepat would show that as per Pension Rules of the Finance Department, Government of Haryana, the family pension is due till 27.08.2014. If the family pension has not been released till date then release the pension due to the petitioner till 27.08.2014 under information to that office. After issuance of the aforesaid letter, the Treasury Officer, Sonepat was under legal obligation to do the needful in the context of releasing arrears of enhanced family pension w.e.f. 27.08.2011 to 27.08.2014. Since the arrears have been released only on 19.09.2017, therefore, for the delayed period, the petitioner is entitled to interest @ 9% per annum from

05.10.2015 to 19.09.2017. The amount towards interest shall be paid by the respondent No.3 at the first instance with a liberty to fix the responsibility vis-a-vis liability of the respondent No.5 and act in accordance with law thereafter.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

January 09, 2023
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whether speaking/non speaking yes/no
whether reportable/non reportable yes/no