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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-23807-2018

Date of Decision: 09.02.2023

Sheela Devi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagdeep Jaswal, Advocate,
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant the family pension admissible to her as per State of Punjab Civil Service Rules from due date with all consequential benefits.

Learned counsel for the petitioner has submitted that the husband of the petitioner Sh. Barfi Ram was earlier employed in Indian Army w.e.f. 01.05.1958 to 17.05.1968. Thereafter, on his retirement from Army, he was appointed as Peon in the office of Deputy Commissioner, Amritsar in the year 1970/1971 and he remained posted there till 31.03.1992 and thereafter, he was transferred from Deputy Commissioner Office, Amritsar to District Sub-Divisional Magistrate Office, Baba Bakala and joined his duties w.e.f. 01.04.1992. However, unfortunately he died on

03.12.1992. He further submitted that thereafter the retirement dues of her husband was paid to the petitioner. However the grievance of the petitioner in the present petition was that vide Annexure P-1, the Government of India had decided on 17.01.2013 that whole pension i.e. for the service rendered in the Army and also thereafter from the civil employment would be permissible. The aforesaid order was thereafter adopted by the Government of Punjab and a separate Notification was issued vide Annexure R-1/T dated 23.06.2016 whereby it has been so stated that the dual pension system has been sanctioned by the Government of Punjab and the order will be implemented from the date of Notification that is 23.06.2016. He also submitted that now during the pendency of the present petition, the petitioner has been granted the benefit of family pension in pursuance of the Notification dated 23.06.2016 w.e.f. 23.06.2016 itself and the family pension has been paid to the petitioner. He further submitted that however the said amount was paid to the petitioner even as per the State Government on 31.10.2019 vide order dated 05.11.2019 and in this way there has been a delay of about three years in grant of family pension to the petitioner. He also submitted that now the scope of the present petition is only limited to the grant of interest on the amount of delayed family pension w.e.f. 23.06.2016 till the time it was disbursed to her vide letter dated 05.11.2019 that is about after a period of three years.

On the other hand, Ms. Lavanya Paul, learned DAG, Punjab, has submitted that it is correct that as per the reply filed by the State, the petitioner has already been granted the family pension on 05.11.2019 in pursuance of Notification dated 23.06.2016 (Annexure R-1). But she could

not give any justification for the delay of more than three years.

I have heard the learned counsel for the parties.

The only issue that survives in the present petition is pertaining to prayer of the petitioner for grant of interest on the delayed payment of family pension. Admittedly, the Government of Punjab had issued Notification dated 23.06.2016 vide Annexure R-1/T and which was made applicable from the date of Notification and admittedly as per Annexure R-2, the petitioner has been granted family pension w.e.f. 23.06.2016 and the same was paid vide letter dated 05.11.2019 with a delay of about more than three years. No justification has come forward as to why there was a delay, once Notification itself has been issued vide Annexure R-1/T on 23.06.2016. Therefore, the petitioner is entitled for the grant of interest on the delayed payment.

Consequently, the present petition is partly allowed and the petitioner shall be entitled for interest @ 6% per annum for the aforesaid period. The concerned respondent is directed to calculate the aforesaid interest on the family pension which has been paid to the petitioner which was due to her w.e.f. 23.06.2016 and pay to her within a period of three months from today.

In case, the aforesaid amount is not paid within a period of three months, then the petitioner shall be entitled for further interest @ 9% per annum.

09.02.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |