

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

235

CWP-4391-2021

Date of decision : 29.07.2024

Nasib Kaur

.....Petitioner

V/S

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Jagatvir Dhindsa, Advocate for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondents to immediately sanction and release the regular family pension of the petitioner along with arrears and interest @ 18% per annum on the delayed payment w.e.f. 05.10.2014 i.e. the date when the husband of the petitioner died in harness and further directing the respondents to release the benefit of Leave Travel Concession which is pending since the year 2014.

2. In terms of order dated 10.08.2023 and 08.01.2024, short reply by way of an affidavit dated 27.07.2024 of Sh. Charanjit Singh, Executive Officer, Municipal Council, Khanna, on behalf of respondent No.4, has been filed in the Court which is taken on record. In the said reply, it has been stated as under :-

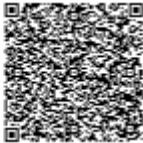
“xx

xx

xx

xx

xx

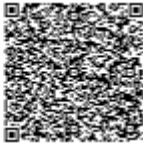


3. *That it is humbly submitted that insofar as the issue pertaining to interest on delayed payment is concerned, the same has already been made by the answering respondent. For effective adjudication, the relevant payment made is shown in the form of tabular representation as hereinunder:*

Sr. No.	Header	Cheque No.	Date	Amount
1.	Ex. Gratia grant	597814	21.11.2024	1,00,000/-
2.	Gratuity	-	-	9,40,286/-
3.	Leave Encashment	-	-	5,69,870/-
4.	Interest amount released @ 12% (computed on Sr. No.2 +Sr. No.)	-	-	2,56,726/-
5.	Total Amount released (inclusive of interest amount - Sr. No.4)	-	-	17,66,882/-

A bare perusal of the aforementioned table representation clearly reveals that an interest of 12% amounting to Rs.2,56,726/- which is inclusive of the total amount of Rs.17,66,882/- and the same has already been paid to the petitioner, and as such, cannot claim by way of instant petition thereby the petition is liable to be dismissed.

4. *That it is further submitted that vide order dated 04.07.2021 issued by the Deputy Director, Urban Local Bodies, Ludhiana, whereby sanctioned was accorded under Rule 8 of Punjab Municipal Employees Pension and General Provident Fund Rules, 1994, read with Rule 6.17 of Punjab CSR Volume-II, for the payment of 90% provisional pension to 100% family pension of Rs.13,765/- per month + DA was made admissible with effect from 05.10.2014 to 10.05.2020 and thereafter, from 11.05.2020 payment of 90% provisional pension to 100% family*



pension of Rs.8,259/- per month + DA was made to the petitioner accordingly. Therefore, that the due sanction was accorded well within time period and as such no interest is liable to be made to the petitioner, keeping in mind the aforesaid facts. In light of the same the order dated 07.04.2021 is annexed herewith as Annexure R-1.

xx xx xx xx xx”

3. There is no representation on behalf of learned counsel for the petitioner.
4. In view of the stand taken by respondent No.4 in its reply, the instant petition has been rendered infructuous and the same is disposed of accordingly.

29.07.2024
kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No