IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

208

CWP-15644-2016 (O&M)
Date of decision: 29.02.2024

Amartejinder Kaur Chatha

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

*****

Present : Mr. C.L. Sharma, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Vikas Chatrath and Mr. Sachit Katoch, Advocates for respondent Nos.6 and 7

*****

AMAN CHAUDHARY. J.

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay the arrears of revised pension to her from 01.01.2006 to 12.02.2010 with 12% interest.

2. Learned counsel would submit that the arrears of revised pension payable from 01.01.2006 to 12.02.2010, amounting to Rs.3,57,877/-, were released to the petitioner on 02.09.2016 and the balance of Rs.3,25,325/- on 29.12.2015. On account of the inordinate delay caused, the petitioner is entitled to the interest, as it was solely due to the fault of the respondents. He refers to para 6 to 9 of the reply dated 03.10.2023, filed on behalf of respondent Nos.1 to 5, which read thus:

"6. That the office of the answering respondent after

MOHIT
2024.03.04 18:46
I attest to the accuracy and
authenticity of this order/judgment

receiving the letter dated 17.01.2012 (P-3) immediately processed the same and vide letter dated 13.02.2012 wrote to the Respondent No. 7 e. State Bank of India with regard to taking a decision for release of arrears of family pension in view of the government instructions dated 22.02.2010. Copy of the letter dated 13.02.2012 is appended along with civil writ petition as ANNEXURE P-1.

7. That thereafter, the petitioner again approached the office of the answering respondent vide letter dated Nil received in the office of answering respondent on 05.06.2014. ANNEXURE R-1, stating therein that the original of the letter dated 13.02.2012 (P-1) be Your sent to Respondent No. 7 as they have not taken any decision with regard to release of arrears of family pension.

8. That yet again, the office of the answering respondent vide letter dated 30.06.2014 wrote to Respondent No. 7 with regard to taking a decision for release of arrears of family pension in view of the government instructions dated 22.02.2010. Copy of the letter dated 30.06.2014 is appended along with civil writ petition as ANNEXURE P-5 and copy of the instructions dated 22.02.2010 is appended herewith as ANNEXURE R-2.

9. That thereafter, the arrears of family pension were released to the petitioner by respondent No.7 on 15.12.2012. As such, it is abundantly clear that the office of the answering respondent has immediately processed the request of the petitioner with regard to release of arrears of family pension and the delay in releasing the due amount is solely on account of respondent No.7."

3. On the other hand, learned counsel for respondent Nos.6 and 7 also refers to para No.3 of the affidavit dated 05.12.2022, putting the blame on the Department, which read thus:

"That in the present case as and when the necessary instructions were received from the employer that Treasury Office at Chandigarh. Thereafter, benefits were released to her within a short span. Bank being pension disbursing authority and upon receipt of documents vide memo no.6200 dated 28.10.2015 from District Treasury Officer, Punjab Treasury, Chandigarh by the Bank on 21.11.2015, copy of which is annexed as ANNEXURE R-6/1. On the basis of instructions in memo No.4566 dated 07.08.2015 received on 14.12.2015 as referred in memo No.6200, thereafter, basic pension was revised of the petitioner from Rs.10,781/- to Rs.13,830/- w.e.f. October, 2015 onwards along with arrears of the revised pension w.e.f. 13.03.2010 to 30.11.2015 which amounted to

MOHIT
2024.03.04 18:46
I attest to the accuracy and
authenticity of this order/judgment

> Rs.3,25,325/-, same was credited to the petitioner on 29.12.2015. Copy of the instructions dated 07.08.2015 received on 14.12.2015 is annexed as Annexure R-6/2. Life time arrears amounting to Rs.3,57,877/- petitioner's husband for the period 01.01.2006 to 12.03.2010 were paid on 02.09.2016 after having completed all the formalities in this regard."

4. Per contra, learned State counsel submits that the amount has already been released, no interest is payable, and even otherwise, the same amount was not due as retiral benefits but is regarding release of arrears on account of revision of pension, therefore, the petitioner is not entitlement to grant of interest.

5. Heard learned counsel on either side.

6. The enormous and inordinate delay in releasing the arrears of revised pension is not in question, though, the blame for the same keeps shifting among the Department and respondent-Bank. However, the petitioner should not be made to suffer for the tussle between them, thus this Court is of the view that he is therefore entitled to grant of interest, which is not penal in nature but compensatory, having been unjustly deprived of the amount.

7. In the case of **Jharkhand Retired University Teachers Association vs. State of Jharkhand,** 2021 (4) JLJR 681, the interest at the annual rate of 6% was directed to be paid by the Department, to those who were released the arrears on revised pension belatedly, by holding that, "So far as claim for payment of statutory interest accrued upon arrears of revised pension is concerned, this Court is of considered view that due to discriminatory approach adopted by the respondent-state, the Petitioners have been subjected to hardship and have suffered monetary loss which makes respondents liable to pay interest on the due amount at an appropriate rate to compensate the petitioners."

8. In view of the above, the present petition stands disposed of by

MOHIT
2024.03.04 18:46
I attest to the accuracy and
authenticity of this order/judgment

directing respondent No.1 to pay the interest to the petitioner at the rate of 6% per annum as released to her from the date, they fell due till were realised and it can settle the same separately with respondent No.7. Needful be done within a period of three weeks.

(AMAN CHAUDHARY)
JUDGE

29.02.2024
M.Kamra

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

MOHIT
2024.03.04 18:46
I attest to the accuracy and
authenticity of this order/judgment