



2024:DHC:7967-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 15.10.2024

+ W.P.(C) 14433/2024
JIWAJI RAO

.....Petitioner

Through: Mr.Aman Kumar, Adv.
(through VC)

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Kameshwar Nath Mishra,
SPC with Mr.Sunny, Ms.Vidya
Mishra, Advs., Mr.Gokul
Sharma, GP and Mr.Ajay Pal,
AC Legal, CRPF for UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to release the family pension to the petitioner, who is disabled.
2. A copy of the Disability Certificate of the petitioner has been annexed with the petition as Annexure-2.
3. The petitioner asserts that his father, Late Ex INSP (GD) Sadashiv Rao (750010077), was enrolled in the Central Reserve



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Police Force (in short, 'CRPF') on 01.01.1975, and he retired on 31.12.2013, after serving in the CRPF for 39 years. Unfortunately, the father of the petitioner passed away on 04.06.2016. Thereafter, the pension was transferred to his widow, that is, the mother of the petitioner, who also unfortunately passed away on 20.02.2019. The petitioner, being unaware that he had to communicate the fact of the demise of his mother to the concerned authorities, kept drawing the pension until November, 2019.

4. It is the case of the petitioner that the petitioner is entitled to the release of the pension as he is physically handicapped and is unable to work due to his disability but is denied pension only due to non-disclosure of the factum of death of his mother to the concerned authorities.

5. The learned counsel for the respondents, who appears on advance notice, submits that the pension is not being released to the petitioner only because he has to deposit a sum of Rs.3,02,995/-, which was drawn by him between the period 21.02.2019 till 30.11.2019 and obtain a 'No Dues Certificate' from the Bank, whereafter, a new Pension Payment Order shall be issued and the pension released in favour of the petitioner.

6. We have enquired from the learned counsel for the respondents if the amount of Rs.3,02,995/- is the differential/excess amount drawn by the petitioner over and above his entitlement. Presently, the learned counsel for the respondents is not in a position to apprise this Court of the same.

7. The learned counsel for the petitioner states that the present



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petition be directed to be considered as a representation of the petitioner to the respondents.

8. In view of the prayer made, we direct the respondents to consider the present petition as a representation of the petitioner and to decide on the same within a period of eight weeks from today.

9. As the respondents do not dispute that the petitioner is otherwise entitled to receive the pension, the respondents may, at best, claim from the petitioner only the excess amount that may have been drawn by the petitioner during the period of 21.02.2019 till 30.11.2019. This may also be adjusted against the amount that would become due to the petitioner from the date of the death of his mother, instead of asking the petitioner to first deposit the same only to later pay the pension amount for the said period. The respondents must find a way to ensure that the petitioner gets his dues expeditiously.

10. With the above observations and direction, the petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 15, 2024/ns/SJ

Click here to check corrigendum, if any