IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1123 OF 2024

Krishnakutty Ramachandran … Petitioner
V/s.
The Senior Accounts Officers
Principal Controller of Defence
Accounts (Pension Draupadi Ghat,
Allahabad-211 014) & Ors. … Respondents

Ms Mamta Sadh a/w. Mr. Ashish Mehta i/b Mr. Abhishek Bhaduri for the Petitioner.
Mr. Milind More, Addl.G.P. for the Respondent/State.

CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 25th JUNE, 2025.

P.C.

1. The respondents are duly served. However, none appears on behalf of respondent Nos.1 and 2.

2. Heard Ms Mamta Sadh, learned counsel for the petitioner.

3. The petitioner is 80 years old. The petitioner retired from Indian Army. The petitioner is residing with his daughter and son-in-law at Mumbai. The petitioner is dependent on disability pension which was sanctioned to him.

4. The grievance of the petitioner is that he travelled to Dubai to live with his son during the Covid pandemic from 19th February 2021 to 1st February 2023. The petitioner returned to Mumbai on 1st February 2023. He realised that his pension account has not been credited for pension amount for a period of two years, i.e., from 1st January 2021 to 1st January 2023.

5. The petitioner addressed a letter dated 23rd February 2023 to respondent No.1 along with the calculation of the claim and other documents. Again on 12th May 2023, the petitioner addressed a letter to respondent No.1 seeking release of the pension funds. On 27th June 2023, the petitioner addressed a reminder letter to respondent No.1.

6. From the record, it appears that the petitioner's pension was not released for the aforesaid period because he did not submit a Life Certificate. The petitioner is having a pension account in Canara Bank. Learned counsel for the petitioner relied on communication dated 12th May 2023 of Canara Bank addressed to respondent No.1, which is annexed at page

No.46 to the petition. In the said letter, it is recorded that on submission of Life Certificate by the petitioner for the year 2019-2020, the petitioner received pension till December 2020 and later pension was stopped due to non submission of Life Certificate. It is further recorded in the letter that on 22nd February 2023, the bank has received mail from Andheri West branch with an attachment of Life Certificate submitted by the petitioner. It is also recorded in the letter that since the Life Certificate is submitted by the petitioner in February 2023, the pension payment was restarted with effect from 1st February 2023 onwards and from January 2021 to January 2023, the pension is not paid. Looking at the petitioner's age and health condition, the bank therefore requested respondent No.1 – The Senior Accounts Officer, the Principal Controller of Defence Accounts (Pensions), Allahabad to permit them payment of pension for the period 1st January 2021 to 31st January 2023.

7. In our opinion, insistence of Life Certificate for a period from January 2021 to January 2023 is illogical. Submitting a Life Certificate may be a valid requirement. However, when

pension was paid to the petitioner on the basis of Life Certificate till the year 2020 and thereafter he has produced the Life Certificate in the year 2023, there is absolutely no propriety in depriving pensionary benefits to the petitioner for the period from January 2021 to January 2023. Insistence of a Life Certificate for the period from January 2021 to January 2023, in the face of payment of pension for the subsequent years on the basis of Life Certificate produced by the petitioner in January 2023, renders the action on the part of respondent No.1 irrational. In this view of the matter and looking at the age of the petitioner, we have no hesitation in allowing the petition in terms of prayer clause (a) subject to the modification. That the interest be paid at the rate of 6% per annum from January 2021 till date of actual payment.

8. The arrears be credited to his account within a period of two months. It is made clear that if the arrears of pension along with interest that is granted is not paid within the stipulated time, this Court may be inclined to award higher rate of interest in that case when the matter is listed for compliance.

9. The Petition is disposed of in the aforesaid terms.

10. Learned counsel for the petitioner undertakes to communicate this order to respondent No.1.

11. List the matter for compliance on 29th August 2025.

(N.R. BORKAR, J.) **(M.S. KARNIK, J.)**