



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

140 and 141

CWP-8640-2025

Date of Decision: 27.03.2025

OmpatiPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

AND

CWP-8641-2025

OmpatiPetitioner(s)

Versus

State of Haryana and anotherRespondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vishal Jassal, Advocate, for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Prince Singh, Advocate, for respondent Nos.2 to 4 (in CWP-8640-2025)

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, two civil writ petitions i.e. CWP Nos.8640 and 8641 of 2025 are hereby adjudicated. For the sake of convenience and with the consent of parties, the facts are borrowed from *CWP-8640-2025*.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to release her pension for the period from 16.10.2002 to 04.09.2012 as well as a sum of Rs.2,60,300/- withheld by respondent.

3. The petitioner is widow of Sunehara Ram who was working with respondent as Lineman. He had joined office of respondent in December' 1970. He went missing on 22.04.1996. On account of absence from duty, the respondent terminated him w.e.f. 16.10.2002. The order of termination was substituted by order of compulsory retirement. For all intents and purposes, the employee was treated compulsorily retired w.e.f. 16.10.2002. He had worked for a quite long time, thus, his family was entitled to family pension. The respondent has released family pension for period from 04.09.2012 to 16.09.2024, however, no payment for the period from 16.10.2002 to 04.09.2012 has been made. The respondent has further withheld a sum of Rs.2,60,300/- as petitioner during a particular period was getting widow pension from the Social and Welfare Department of State Government.

4. Mr. Vishal Jassal, learned counsel for the petitioner submits that petitioner is ready to deposit Rs.2,60,300/- with department concerned, however, she may not be asked to pay interest. She is also ready to waive interest on the amount payable to her.

5. Mr. Prince Singh, learned counsel for respondent Nos.2 to 4 submits that petitioner filed writ petition before this Court in 2015, thus, she was paid arrears from 04.09.2012 to 16.09.2024. She was not entitled to arrears from the date of compulsory retirement of her husband.



6. Mr. Raman Sharma, Advocate appearing on behalf of Social and Welfare Department submits that petitioner is bound to refund a sum of Rs.2,60,300/- as she is claiming family pension from Uttar Haryana Bijli Vitram Nigam (UHBVN).

7. I have heard the arguments and perused the record.

8. From the perusal of record, it is evident that husband of petitioner is missing since April' 1996 and respondent has compulsorily retired him w.e.f. 16.10.2002. The petitioner being widow of Sunehara Ram was entitled to family pension from the date of his compulsory retirement. It is apt to notice that employee is missing since 1996 and he was compulsorily retired w.e.f. 16.10.2002. He had joined service in December' 1970. Thus, on the date of missing, he was having service of more than 25 years to his credit. The said service was pensionable. The respondent was bound to pay family pension from the date of compulsory retirement. It is not a case of arrears arising on account of revision of pay or addition of increment whereas it is case of release of family pension which cannot be linked with filing of petition before this Court. It needs to be linked with the date of entitlement. No doubt the petitioner is not entitled to interest on account of her act and conduct as well as her prayer for waiver of interest on widow pension received from Social and Welfare Department.

9. The petitioner, as conceded, shall deposit Rs.2,60,300/- with Social and Welfare Department within 4 weeks from today and furnish its proof with UHBVN. On receiving of deposit receipt, UHBVN shall release a sum of Rs.2,60,300/- which was withheld on account of double payment. The respondent shall also release family pension for the period from 16.10.2002 to 04.09.2012.

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The arrears shall not carry interest. The payment *qua* arrears shall be made within 6 weeks from today and it would have no bearing with Rs.2,60,300/- which petitioner has to deposit with Social and Welfare Department.

10. In the wake of above discussion and findings, both petitions stand disposed of.

27.03.2025	(JAGMOHAN BANSAL)
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Whether reasoned/speaking	Yes
Whether reportable	Yes