

(2014) 05 AHC CK 0241

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 53187 of 2009

Akhanad Pratap Narayan Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 22-05-2014

Acts Referred:

Citation : (2014) 6 ADJ 334 : (2014) 105 ALR 483

Hon'ble Judges : Ranjana Pandya, J; Ashok Bhushan, J

Bench : Division Bench

Advocate : Rajesh Singh, Advocate for the Appellant; A.K. Nigam, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Ranjana Pandya, J.—By means of this writ petition, petitioner has prayed for mandamus commanding the respondents to pay interest @ 18% per annum on Rs. 1,03,137/- (arrears of freedom fighter from 1.7.81 to 31.3.1995) in favour of the petitioner. The respondent No. 1 has filed his counter-affidavit in reply to which the petitioner has filed his rejoinder-affidavit.

2. We have heard the learned counsel for the petitioner and the learned Standing Counsel for the State.

3. To decide this writ petition, it would be better to travel a few paces back. Prior to this writ petition, the petitioner had filed a writ petition (bearing No. 46595 of 2004) seeking for release of pension from Central Political Pension P.P.O. No. POL Central 6908 pertaining deceased Ranjeet Singh, father of the petitioner for the period 1.7.1981 to 31.3.1995, which writ petition was disposed of on 24.1.2008 with the following directions:

"The petition is disposed of that in case the petitioner produce the aforesaid documents a fresh within a period one month from today before the Treasury Officer, Jaunpur then the Treasury Officer, Jaunpur shall release the pension of the deceased freedom fighter Ranjit Singh for the period from 1.7.1981 to

31.3.1995 within a further period of three months from the date a certified copy of this order is produced before the Treasury Officer, Jaunpur."

4. Consequently, it was on the part of the petitioner to have moved the Treasury Officer to release the pension of his deceased father from 1.7.1981 to 31.3.1995 as was mentioned in the judgment of the Court. It appears that the petitioner moved an application before the Treasury Officer enclosing Form 4 issued by the Pension Payment Officer/Treasury Officer, Jaunpur coupled with the copy of Pariwar register and succession certificate whereafter it appears that in compliance of the order of the High Court dated 24.1.2008, a cheque (bearing No. 095182) was issued for a sum of Rs. 1,03,137/- by the Treasury Officer regarding pension for the period 1.7.1981 to 31.2.1995 in favour of the petitioner. It appears that the petitioner slept over his rights and later on moved this writ petition for grant of interest @ 18 per cent on the awarded sum of Rs. 1,03,137/-.

5. It is incumbent upon the claimant that every claim should be properly and peremptorily framed so as to offer ground for finalisation upon the subjects in dispute and prevent further litigations concerning them. Thus, the petitioner had the option to claim interest on the amount of arrears which he demanded from 1.7.1981 to 31.3.1995 in the previous writ petition but he opted not to do so meaning thereby that he relinquished his right, if any, to claim interest on this amount.

6. It will not be out of place to mention here that the pension was not withdrawn by the deceased father of the petitioner due to his illness. The date when the petitioner applied for release of pension before the Treasury Officer is wanting both in the application Annexure No. 8 and the writ petition itself, but perusal of the record makes it clear that this application was not moved prior to 7.2.2009 which inference can be drawn from the date of issuance of succession certificate and the date 12.3.2009, which is appearing on the cheque. The order of the Court was passed on 24.4.2008, copy of which was to be produced before the Treasury officer with a month but the petitioner did not again produce it earlier than February 2009 which shows the laches on the part of the petitioner. On confronting the counsel for the petitioner, he could not satisfy the Court as to why interest was not claimed in the earlier petition. Thus, it would not be proper to grant any relief in this writ petition for the cause which accrued to the petitioner when he had filed earlier writ petition in the year 2004. The petitioner cannot be permitted to bifurcate the reliefs he seeks for.

7. Thus, the writ petition is devoid of merit and is liable to be dismissed. Accordingly, the writ petition is dismissed.