
(2010) 03 SHI CK 0022
In the High Court Of Himachal Pradesh

Court on its own motion

APPELLANT

Vs

State of HP and Others

RESPONDENT

Date of Decision : 16-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0022

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—This writ petition is registered as suo motu on the basis of a news paper item that appeared in the Tribune of 25.11.2009 to the effect that the mother of a martyr has been waiting for pension for long. In the written instruction furnished to the learned Assistant Solicitor General of India from the Head Quarter, Narayanpur, it is stated as follows:

In view of above instructions, Smt. Bimla Devi M/O late Cook Suil Kumar who died on 27.8.2009 is eligible for family pension with effect from 1.1.1998. Accordingly she has already been requested to submit necessary certificates like affidavit, dependent certificate and monthly income certificate etc. (A copy of Pay and Accounts Division, New Delhi, letter No. PAD/18-6534(41)/PN-III/BSF/2004 dated December 2004 is also enclosed herewith for perusal and ready reference). Accordingly, family pension papers have also been sent to Smt Bimla Devi for signature and other formalities through special messenger. Therefore, it is further clarified that the family pension case in respect of above lady will be sent to our Pay and Accounts Division, New Delhi immediately on receipt of requisite documents.

2. It is unfortunate that despite circular issued in December, 2004 no steps have been taken to grant eligible family pension to the poor widow. Since now the steps have already been taken, we dispose of the writ petition as follows:

The eligible pension including arrears due to Smt. Bimla Devi, mother of late Sh. Sunil Kumar, who died on 27.8.1989 shall be disbursed within one month from

today. The arrears shall carry interest @ 7% per annum w.e.f. 1.1.2005, since money due to the petitioner was with the respondents during these years. In the event of delay beyond one month the petitioner shall be entitled to interest for the whole pension, including arrears @ 12% per annum w.e.f. 1.1.2005 and the Officer responsible for the delay shall be personally held responsible for the same.