
(2024) 06 UK CK 0042

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 675 Of 2023

Padma Bisht

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 18-06-2024

Acts Referred:

Citation : (2024) 06 UK CK 0042

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Mamta Bisht, Karan Anand

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioner has sought the indulgence of this court for a direction to the respondents to grant family pension to the petitioner along with its arrears and to pay interest @ 18% per annum to the petitioner for the delay in making the payment of family pension.
3. The facts of the case, shorn-off unnecessary details are that the father of petitioner, late Narain Singh was enrolled in the Indian Army as Constable Cook. He retired on superannuation on 01.01.1968 from the post of Constable Cook from the Indian Army. It is undisputed that the father of the petitioner was sanctioned pension from the Indian Army. The father of the petitioner thereafter, joined SSB where he served till the date of his retirement i.e. 30.04.1984. On 02.12.1992, the father of the petitioner expired leaving behind the petitioner who is unmarried daughter and his wife Smt. Parvati Bisht. The rest of the siblings of the petitioner were married and well settled. The mother of the petitioner claimed family pension from the Indian Army and she was asked to opt for one pension; either from the Indian Army or from the SSB. The mother of the

petitioner opted family pension from the Indian Army and ultimately, she was sanctioned the family pension. But, unfortunately, the mother of the petitioner died on 19.07.2015.

4. After the death of her mother, since petitioner was unmarried, unemployed and dependant daughter of late Narain Singh, she moved an application to the respondent no.4 to grant her family pension from the SSB from where her father was retired on 30.04.1984. Though, the family pension was sanctioned in favour of the petitioner, but the same was not paid to her which resulted into filing of the present writ petition.

5. Despite opportunity, no counter affidavit has been filed by respondent nos.1 to 3, however, the respondent no.4 i.e. Commandant at 2nd Battalion, SSB Pattan (Babatang) PO & PS Pattan, District Baramulla Jammu & Kashmir has filed the counter affidavit. In the counter affidavit, it is clear that the pension has been approved by the SSB and now, it is only the matter of payment to the petitioner from respondent no.2. In para 38 of the counter affidavit filed by respondent no.4, it is stated that respondent no.2 is not making the payment of family pension to the petitioner by picking up small objections that the petitioner has not submitted the duly attested and verified documents about her marital status.

6. From the reply of respondent no.4, only this is culled out that there is no impediment in payment of the family pension to the petitioner subject to her supplying the duly attested and verified document qua her marital status.

7. Learned counsel for the petitioner submits that she has already submitted the duly attested and verified declaration qua her marital status attested by Executive Officer, Nagar Palika Parishad, Almora which is counter signed by SDM, Almora.

8. Be that as it may, the controversy is not regarding the entitlement of the petitioner of the family pension. The only procedural lapse is being taken up by respondent no.4 for non-payment of the family pension to the petitioner. However, from the submission made by the petitioner at bar, it is clear that she had supplied the duly attested and verified declaration regarding her marital status.

9. In this view of the matter, the writ petition is allowed. Respondents are directed to release the family pension along with arrears of family pension to the petitioner immediately, but not later than two months from the date of production of certified copy of this order, provided petitioner shall supply a duly attested and verified declaration of her marital status, if the earlier one is not suitable to the respondent no.2 and the respondent no.2 shall guide the petitioner as from which authority the attestation is required.

10. No order as to costs.

11. All pending applications, if any, stand disposed of accordingly.