
(2021) 12 UK CK 0163

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2625 Of 2021

Pushpa Chauhan

APPELLANT

Vs

Commandant Indian Ordnance Factory, Raipur, Dehradun &
Others

RESPONDENT

Date of Decision : 14-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0163

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Vikas Anand, Pankaj Chaturvedi

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. According to the petitioner, she is legally wedded wife of Ex-LDC Mr. Virendra Kumar Chauhan, who was an employee of Ordnance Factory. It is further her case that marriage between petitioner and Virendra Kumar Chauhan is still subsisting.

2. By means of this writ petition, petitioner has sought the following reliefs:-

"A. Mandamus, directing the respondents No. 1 to 4 to continue the name of the petitioner as Nominee of the respondent No. 5, P.N. 14601631 Ex-LDC Virendra Kumar Chauhan in his official/pension records for future benefits.

B. Mandamus, directing the respondents to pay the 1/3rd of pension amount of the respondents no. 5 direct into the petitioner's bank account along-with the arrears of maintenance from the month of November 2019.

C. Mandamus, directing the respondents to pay the 1/3rd share of pensionary benefits/income of the respondent No. 5."

3. According to the petitioner, pursuant to a compromise entered into between

petitioner and her husband before Additional District Judge, Tis Hazari Court, New Delhi, one-third salary of her husband was deducted by ordnance factory and the same was credited to petitioner's account. Her grievance is that from the month of October, 2020, no deduction has been made from the salary of petitioner's husband, therefore, petitioner is finding it difficult to maintain herself.

4. On 09.12.2021, time was sought by learned Standing Counsel appearing for Union of India, for getting instructions. Today, on instructions, he submits that petitioner's husband was earlier serving at Central Ordnance Depot, Shakurbasti, Delhi and he was transferred to Ordnance Factory, Dehradun w.e.f. 19.04.2008, but, now petitioner's husband has retired on 31.10.2020, and after his retirement, the Competent Authority, for deducting the maintenance amount from pension payable to petitioner's husband, is Principal Controller of Defence Accounts (Pension), Allahabad. Based on instructions, he further submits that Ordnance Factory, Dehradun can forward petitioner's claim for maintenance and retiral benefits to Principal Controller of Defence Accounts (Pension), Allahabad. Thus, the stand taken by respondent no. 1 is that consequent to superannuation of petitioner's husband w.e.f. 31.10.2020, payment of salary was stopped to him, therefore, the amount of maintenance could not be deducted.

5. In view of the submission made by learned counsel for respondents, the writ petition is disposed of with liberty to petitioner to make representation to Principal Controller of Defence Accounts (Pension), Allahabad, within three weeks from today. Respondent no. 1 shall forward petitioner's claim for maintenance, to Principal Controller of Defence Accounts (Pension), Allahabad within three weeks. The Principal Controller of Defence Accounts (Pension), Allahabad shall consider petitioner's representation and take appropriate decision, in accordance with law, as early as possible, but not later than three months from the date of receipt of such representation. Before taking any decision, petitioner's husband shall also be given an opportunity of hearing.