
(2017) 02 RAJ CK 0059
In the Rajasthan High Court
Case No : 8571 of 2014

Sabar Kanwar W/o Govind Singh Deora	APPELLANT
Vs	
The State of Rajasthan	RESPONDENT

Date of Decision : 14-02-2017

Acts Referred:

[Rajasthan Pension Rules, 1996](#), Section 61(9)

Citation : (2017) 02 RAJ CK 0059

Hon'ble Judges : Sanjeev Prakash Sharma

Bench : SINGLE BENCH

Advocate : B.S. Deora,, N.S Rajpurohit, R.R. Kanwar

Final Decision : Disposed

Judgement

1. The husband of the petitioner expired on 27.07.2007 while, he was undergoing BSTC Course, a requirement for treating a Teacher, as a trained teacher. He was initially appointed on 02.07.2003, in the regular pay scale of Rs.4,050-7,000/- and was on probation with the condition that he shall acquire the professional qualification within the period of three years from the date of joining.
2. As the petitioner's husband expired while undergoing professional qualification of BSTC, the widow-petitioner submitted an application for seeking family pension and gratuity. However, the petitioner was denied initially the pension on the ground that her husband was not trained. The matter regarding family

pension kept on being shifted from one office to another and clarifications were sought with regard to granting of pension and ultimately, the petitioner knocked the doors of justice, by way of filing the present writ petition claiming that she is entitled to get pensionary benefits of her husband as well as family pension in terms of sub-section 9 of Section 61 of the Rajasthan Pension Rules, 1996.

3. The respondents put in appearance after notice and stated that the matter was under examination, however, it was pointed out that the petitioner's husband had not rendered the qualifying service. While the writ petition was pending, decision was ultimately taken by the Government at their own hand by relaxing the Rules, taking into consideration the situation, under which, the demand had been raised and decided to release the family pension as well as gratuity. Order was passed by the Government of Rajasthan on 14.10.2016, by issuing the Family Pension Payment order. The copies of family pension payment order and also the gratuity payment order were placed on record. When the case came up before this Court on 02.02.2017, it was informed by the counsel for the petitioner that although the pension order had been passed as above, the payment had not been released. It was stated that the Sub-Treasury Officer, Sumerpur had informed that amount had not been received in the treasury. Considering the fact that the order had already been issued on 14.10.2016 and almost four months had lapsed, the Sub-Treasury Officer, Sumerpur and the Treasury Officer, Pali were directed to remain present in the Court. The case was listed yesterday, but could not be taken up and the matter has been taken up today. Both Sub-Treasury Officer, Sumerpur and the Treasury Officer, Pali are present in the Court today.

4. The learned counsels for the respondents informed that the payment has now been released for the entire period along with arrears. The Treasury Officer, Sri Manoj Kumar Choudhary stated that the Pension Payment Order was received in his office on 17.10.2016 and was sent to the Sub-Treasury Officer, Sumerpur on 21.10.2016 for necessary compliance. However, the compliance was not made and it is only after the order passed by this Court, it came to his knowledge that he got the matter verified and the amount was released thereafter. The Sub-Treasury Officer, Sumerpur present in the court, however, has not been able to give any explanation.

5. Taking into consideration that a widow has been denied family pension inspite of a decision having been taken by the Government at their level, this Court finds that appropriate departmental proceedings ought to be initiated and the concerned person who is responsible, must be dealt with under the Rules of Rajasthan Civil Services (Classification, Control & Appeals) Rules, 1958 after initiating disciplinary proceedings against him/them. The officers who are responsible for releasing pension to the retired employees as well as to the widows, have to be accountable to the Society and they cannot shun away from their duties. It is apparent that there has been a delinquency committed on part of the concerned Sub-Treasury Officer and to a certain extent, on part of the Treasury Officer too. However, it would be in accordance with the principles of natural justice that they must be given a chance to submit their explanation and be dealt departmentally.

6. Accordingly, it is directed that the Secretary, Finance shall initiate appropriate departmental proceedings relating to the officers as above. As regards, the release of family pension and

benefits to the widow, which has been done only on 03.02.2017, intervening period of interest @ 9% must also be paid to her from 14.10.2016 to 03.02.2017. The said amount shall also be recovered from the concerned delinquent officer, who is found to have committed the delay.

As prayer made in the writ petition is allowed, the writ petition is disposed of accordingly.