

(2020) 07 DEL CK 0046

In the Delhi High Court

Case No : Civil Writ Petition No. 3987 Of 2020

Shivani Kaushik

APPELLANT

Vs

Indian Air Force & Ors

RESPONDENT

Date of Decision : 07-07-2020

Acts Referred:

Air Force Rules, 1950 — Rule 162
Air Force Act, 1950 — Section 92(I)

Citation : (2020) 07 DEL CK 0046

Hon'ble Judges : Rajiv Sahai Endlaw, J;Asha Menon, J

Bench : Division Bench

Advocate : Avadh Kaushik, Jitesh Vikram Srivastava, Prajesh V.S.

Final Decision : Disposed Of

Judgement

W.P. (C) No. 3987/2020

1. The petitioner, being the wife of respondent No.3 Pankaj Kumar Sharma, a Corporal in the respondents No.1 and 2 Air Force, has filed this petition

averring that though respondent No.1 in exercise of powers under Section 92 (I) of Air Force Act, 1950 read with Rule 162 of the Air Force Rules,

1950 has directed maintenance of Rs.11,800/- per month to be remitted to the petitioner out of emoluments/salary payable to respondent No.3, with

effect from the month of March, 2020 but no payment has been made by the respondent No. 2 Senior Accounts Officer, Air Force Central Account

Office, New Delhi till now and seeking a direction for compliance by the respondent No. 2, of the order qua payment of maintenance and which order,

on enquiry is stated to be not under challenge in any proceeding.

2. The counsel for respondents No.1 and 2 appearing on advance notice states that as per the instructions received by him, a sum of Rs.11,800/- per

month for the months of March and April, 2020 was sent to the petitioner by cheque and payments for the months of April, May and June, 2020 have also been made through Cheque/NEFT/ bank transfer.

3. Counsel for the petitioner states that after filing of the present writ petition, only one payment of Rs.11,800/- has been received in the bank account

of the petitioner by bank transfer and the cheques/payments for the other months have not been received.

4. Since the respondents No.1 and 2, against whom the relief claimed in the writ petition is directed, have not opposed the writ petition and have rather

stated that the payments demanded have already been made, it is not deemed necessary to issue notice to respondent No.3.

5. We however make it clear that this order shall not affect the rights under the law of respondent No.3 in any manner whatsoever.

6. There appears to be a loss in transit of the payments for the months of March, 2020 to May, 2020, stated to have been sent by respondents No.1

and 2 to the petitioner vide cheques.

7. The writ petition is disposed of by directing:

(i) The petitioner to, on or before 14th July, 2020, encash the cheques if any, received by her till 14th July, 2020.

(ii) The petitioner to, on 14th July, 2020, at 1700 hrs or thereafter, email to the respondent No.2 at personal.wel@gov.in, whether she has received any

cheques or if she has received any other payments besides the one of Rs.11,800/-, today stated to have been already credited to her account.

(iii) The respondent No.2 to, on receipt of the said email, stop payment of the cheques stated to have been earlier issued, if not encashed till then, and

on or before 30th July, 2020, electronically transfer to the account of the petitioner, the payment, if any due for the months of March, 2020 till May, 2020.

(iv) Unless there is any interference with the order directing such payment of maintenance to the petitioner, the respondent No. 2 to, in future, also

continue to electronically remit the payment regularly.