

(1988) 05 RAJ CK 0004
In the Rajasthan High Court
Case No : Civil Writ Petition No 1592 of 1986

Vijay Raj Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-05-1988

Acts Referred:

Citation : (1988) WLN 162

Hon'ble Judges : Milap Chand Jain, J;A.K. Mathur, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The petitioner by this writ petition, has sought for a writ of mandamus that the respondents may be directed to determine and pay his Pension and his arrears of pension from the date he has retired.

2. It is unfortunate case, the petitioner was serving in the Govt. Service and retired from the Govt. Service as UDC on 30-11-1974. He got the provident fund amount a sum of Rs. 13,000/- in February, 1975. On January 21, 1975 he gave an option to opt for the pension in the prescribed form and same was accepted. But his pension has not been determined till this date. He has been going from pillar to post for his pension but without any result. Therefore, he has approached this Court for a writ of mandamus.

3. The respondent, State, has filed a reply and submitted that his service record was lost in the Collectorate and attempt is being made to complete his service record from the place where he has remained posted in Rajasthan. They have not given any time bound programme that on what date they will be able to dispose of his pension matter.

4. We think it just and proper to direct the respondents to determine his pension within a period of three months from today. The petitioner will be entitled to a provisional pension at rate of Rs. 378/- per month from June, 1988 onwards. This amount will be, however, subject to final determination. The respondents

should also pay the entire arrears of the pension after deducting Rs. 13,000/- which was paid to the petitioner towards the CPE in Feb., 1975. The petitioner will be entitled to interest at rate of 9% from 1975.

5. The petitioner is entitled to costs from the respondent which is Rs. 2000/-.