

Chandro Devi vs State (Govt. Of Nct Of Delhi) And Ors on 16 October, 2020

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 7261/2018 and CM APPL. 26226/2020

CHANDRO DEVI

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Through: Ms. Tarannum Khan, Advocate
(9654239359).

versus

STATE (GOVT. OF NCT OF DELHI) AND ORS. Resp

Through: Mr Abhinav Singh, Advocate
to 3.

Ms. Namrata Mukim, Stand
Counsel with Ms. Garima
Advocate for Nr.DMC.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 16.10.2020

1. This hearing has been held through video conferencing.

2. The present application has been moved by the Petitioner/Applicant, as the North Delhi Municipal Corporation (hereinafter, 'Nr.DMC/Corporation') has failed to release the dues of the Applicant, despite repeated orders of this Court.

3. The brief background of this case is that the Petitioner, who is the widow of an ex-employee of the Corporation, had approached this Court on the ground that since her husband Late Mr. Risal Singh had passed away, the arrears of the family pension etc. ought to have been released in her favour. It is seen vide order dated 18th December, 2019 that ld. counsel for Nr.DMC had, on the said date conceded that the Corporation had not implemented the award qua the Petitioner's late husband and sought time to release the Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:16.10.2020 21:30:26 arrears of the revised family pension. The writ petition was accordingly disposed of vide order dated 18th December, 2019, by granting Respondent No.4/Nr.DMC twelve weeks' time to implement the award dated 7th March, 2002 and release the arrears of revised

pension to the Petitioner.

4. Despite this order having been passed almost 10 months ago and 12 weeks' time having been granted to implement the award on the said date, not a single penny has been paid to the Applicant till date. When the matter was called in the first round, Ms. Mukim, ld. counsel for Nr.DMC had submitted that the Petitioner should make a fresh application and that the files are not available with the Corporation, as the same have been transferred to the Fire Department. Mr. Abhinav Singh, ld. Counsel appearing for the Fire Department submits that the Fire Department does not have any record in respect of the Petitioner's husband.

5. After the Court directed Ms. Mukim to seek instructions from the Corporation, she sought instructions from Mr. Louis Daniel, Administrative Officer, Caretaker Department, Nr.DMC and submits that four to six weeks' time is needed by the Corporation to release the dues of the Petitioner.

6. It is noticed that the Applicant is an 85 year-old widow, who is waiting for her family pension, which is due for several years as the award dates back to 2002. Despite 12 weeks' time having been granted 10 months ago, arrears have not been released by Nr.DMC. This is actually a shocking case but the Corporation still does not seem to be moved by this. It is not even disputed by the Corporation that the amounts are not been released but issues relating to her Aadhar card etc. are being raised.

7. The Applicant's identity is not in question as the Applicant is before this Court. She is also an illiterate lady and may not be aware of all the Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:16.10.2020 21:30:26 formalities. Such a citizen, who is the widow of an ex-employee of the Corporation ought to be treated with compassion and not in the manner in which the Corporation is seeking to treat her. Under these circumstances, the following directions are issued:-

- i. All the arrears of the pay and revised pension including the family pension, as are due to the Petitioner in lieu of the services rendered by her Late husband Shri Risal Singh, shall now be paid to the Petitioner Smt. Chandro Devi, within a period of two weeks.
- ii. If the payment is not made before 31st October, 2020, an additional sum of Rs.1 lakh shall be paid as costs to the Petitioner, which would be deductible from the salary of the concerned officer. Further, contempt action would also be liable to be initiated against the officer concerned.

8. Ld. Counsel for the applicant submits that the Corporation ought to be pay interest due to the delay in payments. The said submission shall be considered on the next date. List on 6th November, 2020 for reporting compliance.

PRATHIBA M. SINGH, J.

OCTOBER 16, 2020 MR/A