

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 18917/2024

Kisturi Devi W/o Late Shri Indrapal Kaler, Aged 33 Years,
Presently Residing At Village Post Office Aalasar, Tehsil
Ratangarh, District Churu, Rajasthan.

-----Petitioner

Versus

1. The Joint Secretary (Pension), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Vidyut Bhawan, Jyoti Nagar, Jaipur 302005.
2. The Chief Controller of Accounts (Pension), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Vidyut Bhawan, Jyoti Nagar, Jaipur 302005.
3. The Deputy Controller Of Accounts (P And F), Rajasthan Rajya Vidyut Prasaran Nigam Ltd., M.m. Building, Old Power House, Near Ram Mandir, Banipark, Jaipur - 302006.
4. The Secretary (Cpf-Trust), Rajasthan Rajya Vidyut Karamchari Trust, Gate No. 8, Old Power House Premises, Near Ram Mandir, Bani Park, Jaipur 302006.
5. The Chief Controller Of Account-I, Jodhpur Vidyut Vitran Nigam Ltd., New Power House, Jodhpur - 342003.
6. The Assistant Engineer (Rural), Jodhpur Vidyut Vitran Nigam Ltd., Rajaldesar, District Churu - 331802.

-----Respondents

For Petitioner(s) : Mr. Mohd. Amaan

For Respondent(s) : Mr. Harish Bera

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

24/07/2025

Heard learned counsel for the parties.

The present writ petition has been filed with the following
prayers:-

"a) The act, in-action and failure of the respondent in processing the option form of the petitioner in proper manner and issuance of demand notice with incorrect address and thereafter denying the petitioner to her rightful benefits of Old Pension Scheme, may kindly be declared arbitrary and illegal.

b) Direct the respondents to grant/extend benefits under the Old Pension Scheme along with all consequential benefits to the petitioner pursuant to the Option Form

dated 30.06.2023 submitted by the petitioner while granting opportunity to the petitioner deposit the demand money pursuant to the Demand Notice dated 14.09.2023 (Annex.5); or

c) Direct the respondents to issue a fresh demand notice with proper/correct address of the petitioner pursuant to the option form for Old Pension dated 30.06.2023 exercised by petitioner for grant of benefits of pension under the Old Pension Scheme."

Learned counsel for the petitioner submits that in pursuance of the guidelines dated 20.04.2023 issued by the Finance Department, Government of Rajasthan, the petitioner has applied for family pension under the Old Pension Scheme. He further submits that in the application forms and other documents submitted by the petitioner, the address of the petitioner was shown of District Churu. He further submits that the application submitted by the petitioner was duly accepted by the respondents and the respondents in pursuance of the decision taken to grant the petitioner family pension under the Old Pension Scheme issued a demand notice dated 14.09.2023 of Rs.4,21,517/- to be deposited by the petitioner before the date mentioned in the demand notice. Since the petitioner did not deposit the said amount, she was not granted family pension under the Old Pension Scheme. Hence, the present writ petition has been filed. He further submits that the address mentioned on the demand notice has been incorrectly shown to be that of JAIPUR whereas the petitioner has stated her address to be that of Churu. He further submits that for no fault of the petitioner, she did not receive any demand notice and, therefore, she could not deposit the said amount. He further submits that in pursuance of the interim directions issued by this Court on 06.12.2024, the petitioner had deposited the amount mentioned in the demand

notice i.e. Rs.4,21,517/-. He, therefore, prays that the writ petition may be allowed and the respondents may be directed to grant family pension under the Old Pension Scheme to the petitioner.

Per contra, learned counsel for the respondents vehemently submitted that it is true that address mentioned on the demand notice was of some address of Jaipur instead of the correct address of Churu, however, the last date for deposition of such amount was extended from time to time and the information with regard to the same was also reflected on the website. He further submits that the petitioner failed to take recourse available to her for deposition of amount and, therefore, there is no fault on the part of respondents to have not issued an order for grant of family pension under the Old Pension Scheme to the petitioner. Learned counsel for the respondents very fairly submits that the demand notice dated 14.09.2023 was issued on an incorrect address and the same should have been issued at the address given in the application form of Churu, whereas it was issued on some address of Jaipur. He further submits that in pursuance of the directions issued by this Court on 06.12.2024, the petitioner had deposited the amount of Rs.4,21,517/- with the respondents.

I have considered the submissions made at the Bar and have gone through the relevant record of the case.

After due consideration by the respondents, the petitioner's application form for grant of family pension under the Old Pension Scheme was duly allowed and a demand notice was served upon the petitioner for deposition of an amount of Rs.4,21,517/-, however, the address mentioned on the demand notice was

incorrect and, therefore, the same was never served upon the petitioner. In pursuance of the directions issued by this Court, the petitioner had already deposited the amount as mentioned in the demand notice and the same has been accepted by the respondents.

In these circumstances, the petitioner cannot be faulted for not depositing the amount mentioned in the demand notice for grant of family pension under the Old Pension Scheme and hence, she cannot be penalized for the mistake committed by the respondents. Since, the demand notice was not issued to the petitioner on correct address, therefore, she was not aware about the deposition of the amount mentioned in the demand notice. Immediately when she was made aware for deposition of the amount mentioned in the demand notice, the same has been done by her after passing of the interim order by this Court.

In the considered opinion of this Court, the petitioner is entitled for grant of family pension under the Old Pension Scheme and, therefore, the writ petition merits acceptance and the same is allowed. The respondents are directed to grant family pension under the Old Pension Scheme to the petitioner, if she is otherwise entitled within a period of four weeks from the date of receipt of the certified copy of this order.

(VINIT KUMAR MATHUR),J