

CWP-16616-2026

2026:PHHC:098613



CNR NO: PHHC010893192026

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121

CWP-16616-2026

Date of Decision: 20.07.2026

INDERA WATI

....Petitioner

VERSUS**STATE OF HARYANA AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sube S. Kaushik, Advocate
for the petitioner.

Mr. Rahul Dev Singh, Addl. AG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. This Civil Writ Petition is being filed under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction, particularly a writ in the nature of *Mandamus*, directing the respondents to sanction, calculate and release family pension in favour of the petitioner along with all consequential pensionary and retiral benefits; to treat the case of the petitioner at par with similarly situated employees/legal heirs who have already been granted pensionary benefits pursuant to the judgment in *Kidar Nath Kohli & Ors. v. State of Haryana & Ors. (CWP*

2026:PHHC:098613



CNR NO: PHHC010893192026

No. 1486 of 2018) (Annexure P-5); to calculate and release the arrears of family pension with effect from 28.01.1994 along with all revisions and consequential benefits; and further to pay interest at the rate of 9% per annum on the delayed release of the aforesaid pensionary and retiral benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner's husband, Late Sh. Bharat Singh, was appointed as S.S. Master against a duly sanctioned aided post in Jat High School, Jind, and rendered more than 21 years of approved and continuous service. He passed away on 28.01.1994 while in service. It is submitted that the service records unequivocally establish that he fulfilled all the conditions for grant of pensionary benefits. It is further contended that although the petitioner, being the widow of the deceased employee, is entitled to family pension, no such benefit has been extended to her. Reliance is placed upon the judgments of the Hon'ble Supreme Court in *Haryana State Adhyapak Sangh & Ors. v. State of Haryana & Ors. (AIR 1988 SC 1663)* and of this Court in *Kidar Nath Kohli & Ors. v. State of Haryana & Ors. (CWP No. 1486 of 2018)*, wherein pensionary benefits were directed to be extended to employees/legal heirs of Government-aided schools. It is argued that the respondents have already implemented the aforesaid judgments in the cases of other similarly situated employees/legal heirs, but have arbitrarily denied

2026:PHHC:098613



CNR NO: PHHC010893192026

the same benefit to the petitioner. It is lastly submitted that despite service of a legal notice dated 14.03.2026 upon the respondents, no action has been taken, thereby compelling the petitioner to invoke the extraordinary writ jurisdiction of this Court.

2. At this stage, learned counsel for the petitioner confines the prayer to the limited extent that the petitioner would be satisfied if her legal notice dated 14.03.2026 (Annexure P-4) is decided by respondent No.2/competent authority in the light of Annexures P-5 to P-8 by passing a speaking order within a time-bound period.

3. Learned State counsel, appearing on advanced notice, submits that he has no objection in case a direction is issued to the respondent No.2/competent authority for time-bound consideration and decision of the legal notice dated 14.03.2026 (Annexure P-4) of the petitioners by passing a speaking order.

4. Therefore, in view of the limited prayer made by learned counsel for the petitioner, the respondent No.2/competent authority is directed to consider the legal notice dated 14.03.2026 (Annexure P-4) of the petitioner in the light of Annexures P-5 to P-8 and pass a speaking order, after affording her an opportunity to be heard, within a period of 02 months from the date of receiving a certified copy of this order. Further, the decision

CWP-16616-2026

2026:PHHC:098613



CNR NO: PHHC010893192026

taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted forthwith by the respondent.

5. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

20.07.2026*parul verma*

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No