

COCP No. 1816 of 2013
Date of decision: 3.03.2015

Bhana Devi

..... Petitioner

versus

Arun Kumar and others

..... Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.S.Sangwan, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. H.S.Bhatia, Advocate
for respondents No. 2 and 3.**Rakesh Kumar Jain,J.(Oral)**

Learned counsel for the petitioner, inter alia, contends that in terms of order dated 14.02.2012 passed by the Division Bench, all benefits have been paid to her but not the arrears of the family pension from the period 12.08.2005 till 16.10.2012.

During the course of hearing of this case, this Court passed an order dated 20.11.2014, which reads thus:-

“An explanation has been put forth by the respondents as to why the petitioner is not entitled to the benefit of family pension for the period 12.08.2005 to 16.10.2012, according to which, the petitioner could not get the family pension from the Haryana Government as she has opted for pension from the Central Government as the husband of the petitioner was an Ex-serviceman.

Counsel for the petitioner states that he would seek instructions in this regard and if agreed to by the petitioner, would deposit the amount which has been received by her from the Central Government as pension which would entitle her to pension from the Haryana Government for the period 12.08.2005 to 16.10.2012 as well.

In view of the above request made by the counsel for the petitioner, adjourned to 18.12.2014.

Shri Arun Gupta, IAS, Director General State Transport, Haryana, present in Court today, is exempted from the personal appearance on the next date of hearing.”

Faced with the aforesaid order, learned counsel for the petitioner has submitted that this petition may be disposed of at this stage giving liberty to him to file an application to civil as well as military authorities for the purpose of calculation of the arrears of family pension of the period aforesaid. Thereafter, she will claim the higher pension and deposit the pension which is less in amount which has been received by her.

I order accordingly.

Learned counsel for the petitioner has further submitted that the necessary application would be made within a period of 15 days from today to both the civil and military authorities who may further be directed to decide the application expeditiously and preferably within a fixed time because it is a matter of pension.

In case, the application is filed as proposed by learned counsel for the petitioner within a period of 15 days to the aforesaid two authorities, the same shall be decided by both the authorities within a period of one month thereafter.

3rd March, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
JUDGE