

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12712 of 1997

Date of Decision:- 02.09.2015.

Chhoto Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioner has prayed for release of family pension while taking into the service rendered in the Military by her late husband, Sh. Amar Singh from 23.2.1948 to 14.9.1955. Abruptly pension was stopped on 07.05.1997 by respondent No.3. Thereafter, the above writ petition was filed seeking for a direction to the respondents to count the Military service for refixation of family pension and release the same. Pursuant to interim order dated 19.11.2001, the third respondent has released family pension along with arrears to the petitioner which is evident from the affidavit of Sh.

V.K. Bhatia, Accounts Officer, Defence Pension Disbursing Officer, Karnal-respondent No.3. In view of the said affidavit and averment at para 3 reveals that the family pension of the petitioner along with arrears were settled way back in the month of November, 2001. In view of these facts and circumstances, the writ petition do not survive for consideration.

2.) Learned State counsel vehemently contended that the petitioner has not exercised option under Rule 54 of the Central Civil Services (Pension) Rules, 1972. Even if the petitioner has not exercised option for family pension, it was granted a decade back and further it was settled in the month of November, 2001 itself. Therefore, I am of the view that in not exercising option of the petitioner would not be a hurdle in view of the aforesaid facts and circumstances. The respondents are directed to continue to pay family pension to the petitioner if she is alive as on this day.

3.) Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 02, 2015.

sandeep sethi