

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

CWP No.8050 of 1997 (O&M)

Date of decision: 26.08.2015

Smt. Raj Bala, Peon

....Petitioner

Versus

The State of Haryana and others

.... Respondents

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

Present: Mr.G.S. Gill, Advocate for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

The petitioner has sought for the following relief:-

- “(i) issue a writ in the nature of Mandamus directing the respondents to pay Dearness Allowance on the family Pension which she is getting being widow of Late Sh. Ram Kishan,
- (ii) Issue a further direction to Award interest at the rate of 18% p.a. On the arrears of Dearness Allowance on the Family Pension falling due from the date of entitlement till their payment.”

The petitioner stated to have submitted representation for grant of dearness allowance on the family pension, thereafter notice was issued to the respondents on 22.04.1997. The same was not considered by respondents therefore petitioner has filed this petition.

Learned counsel for the petitioner in support of the prayer relied on the decision of this Court passed in CWP No.17698 of 1995 titled as *Smt. Swaran Kaur versus State of Punjab and others*. In the

said decision the question decided is entitlement of dearness allowance on family pension.

Per contra, the respondents' counsel submitted that the petitioner is not entitled for the relief sought in view of the decision of this Court passed in CWP No.5099 of 1992 titled as *Smt. Bimla Devi versus State of Haryana*. In the aforesaid decision also prayer of the petitioner was to pay dearness allowance along with family pension, wherein, this court refused to grant relief of dearness allowances on the family pension. Counsel for the petitioner cited the decision dated 10.10.1996 whereas the decision cited by respondent is of dated 25.08.1992. Both judgments are of the Division Bench. Therefore, counsel for the petitioner submits that the latest judgment is to be taken note of for the purpose of granting relief sought by the petitioner. This court has noticed that there were no rules, instructions or guidelines to curtail family pensioner dearness allowance. Therefore, the family pension holder is entitled for dearness allowance on family pension.

Having regard to the later decision, the petitioner is also entitled for the relief sought in the present petition. The respondents are directed to grant dearness allowance on the family pension to the petitioner. The respondents have to calculate and pay arrears of dearness allowance of the family pension within a period of 8 weeks'.

Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

August 26, 2015.
pooja saini