

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.13269 of 2012
Date of Decision : 18.2.2015

Rajwinder Kaur

.....Petitioner

Vs.

Union of India and others

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr.Dinesh Kumar, Advocate for the petitioner.
Mr. Atul Aggarwal, Advocate for respondents no.1 to 5.
Mr. Karamjit Verma, Advocate for respondent no.6.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Feeling aggrieved against the alleged discriminatory action on the part of respondent authorities, petitioner has approached this court by way of instant writ petition, under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned counsel for the petitioner refers to the averments taken in para 12 of the writ petition to contend that the family pension of the petitioner had been sanctioned by the competent authority vide communication dated 25.3.2009, but it was not released for the reason that the petitioner was found involved in a criminal case. He further submits that although the petitioner has been acquitted in the criminal case by the learned court of competent

jurisdiction vide its judgement dated 14.1.2004 and despite issuing the communication dated 11.1.2015 in this regard, family pension has not been released in favour of the petitioner. He further submits that the petitioner will be satisfied in case respondent authorities are directed to release the arrears of family pension to the petitioner, within a reasonable time.

However, learned counsel for the respondents submits that pension had been released long back in favour of the petitioner.

Be that as it may, present writ petition is disposed of, with a direction to the respondent authorities to ensure early release of arrears of pension to the petitioner, if not already released. The competent authority, whosoever it might be out of respondents no.1 to 5, is further directed to consider and decide the inter-se claim of the petitioner and respondent no.6. In this regard, learned counsel for the petitioner has fairly stated that in case respondent no.6 is found entitled for any amount out of the retiral benefits of late Sh. Jaswinder Singh, husband of the petitioner and son of respondent no.6, petitioner would have no objection in releasing the said amount in favour of respondent no.6.

Let the competent authority pass an appropriate order at an early date, but in any case within a period of six weeks from the date of receipt of a certified copy of this order.

With the abovesaid observations made and directions issued, the present writ petition stands disposed of.

18.2.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE