

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10609 of 2013

Date of Decision:- 18.08.2015.

Bhola Nath

.....Petitioner

Versus

The Uttar Haryana Vidyut Parsaran Nigam Ltd. and ors.

.....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: None for the petitioner.

Mr. P.S. Poonia, Advocate for
Mr. Mohnish Sharma, Advocate for
the respondents.

P.B. BAJANTHRI, J.

The short question that arises for consideration in this writ petition is whether the petitioner is entitled to family pension from the date of his father's death, i.e. 12.06.2009 or from 30.06.2010, that is the date on which the petitioner furnished disability certificate?

2.) It is undisputed that the petitioner was a disabled person as on 12.06.2009, the date on which his father died. Therefore, the contention of the respondents that the petitioner is entitled for family pension under the Disabled Pension Scheme from the date of issuance of disability certificate is not correct. The Scheme of

disabled pension would be defeated if the pension is granted from the date of issuance of certificate. When a person is disabled prior to the date of issuance of certificate, disabled pension to such person cannot be denied prior to issuance of certificate.

3.) In the present case, since the petitioner's father died on 12.06.2009, he is entitled for disabled family pension from 12.06.2009 onwards and not from 30.06.2010. Hence, the respondents are directed to calculate the family pension (disabled pension) and also to pay 9% interest till the payment is made. These directions shall be complied within a period of three months failing which the petitioner is also entitled to cost of ₹ 5,000/-

4.) Accordingly the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

August 18, 2015.

sandeep sethi