

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

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CWP No. 22804 of 2012 (O&M)

Date of decision:09.12.2016

Sajni Devi

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. M.K.Sangwan, Advocate for the petitioner.

Mr. Nitin Kumar, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner is seeking for quashing of the communication dated 05.12.2007 by which claim of the petitioner to grant pension/pensionary benefits has been denied by the respondents.

The petitioner's husband is stated to have worked from 1958 to 1971 in the Railway Protection Force. While he was in service it is stated that he has been discharged from service on medical ground on 27.11.1971. Learned counsel for the petitioner submitted that petitioner's husband died on 10.04.2011. While the petitioner's husband was alive he failed to pursue the respondents seeking for pension or pensionary benefit from 1971 to 2012. Thereafter, the petitioner approached the respondents seeking for pensionary benefits which were due to her late husband. The respondents have examined the records. Since the claim relates back to of the year 1971 no records

are available In fact, the respondents have demanded from the petitioner to produce the certified copy of order of discharge dated 27.11.1971. The same has not been made available. Therefore, the respondents have rightly rejected the claim of the petitioner and it was highly belated which is of more than 3½ decades. No doubt pension/family pension is the matter that cause of action occurs every month. However, in the absence of any document/any evidence on record, that the petitioner's husband was working in the Railway Protection Force. Respondents are not in a position to consider the claim of the petitioner. Therefore, there is no infirmity in the impugned communication dated 05.12.2007 Annexure P6. The petitioner has not made out a case so as to interfere with the communication dated 05.12.2007.

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

09.12.2016

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No