

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

**C.W.P No. 21087 of 2014
Date of decision : 14.01.2016**

Balwinder Kaur

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagbir Malik, Advocate
for the petitioner.

RITU BAHRI , J.

The petitioner is seeking issuance of writ in the nature of certiorari quashing the order dated 04.07.2014 (P-7) passed by respondent No. 5 vide which the request of the petitioner for restoration of family pension, has been rejected.

Brief facts of the case are that the husband of the petitioner was working on the post of Assistant Lineman with the then HSEB now the respondent-Nigam (for brevity 'the Nigam') on regular basis. On 02.02.1994, the husband of the petitioner died while he was on duty. The copy of death certificate is Annexure P-1. The Nigam released all the benefits vide PPO No 8159 dated 27.05.1997 (P-2) and family pension was also granted to the petitioner by respondent No. 4. The petitioner was also appointed under Ex-gratia scheme by the

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respondents and presently, she is posted at 132 KV Sub Station, Sonapat. However, the family pension of the petitioner was stopped by the respondent-Nigam w.e.f April, 1998, as the petitioner has performed the kareva with Balwinder Singh in the year 1997, who is the cousin brother of her deceased-husband. A detailed representation dated 04.11.2009 was submitted by the petitioner for restoration of family pension, in view of judgment passed by this Court.

The case of the petitioner is squarely covered by the judgments passed by this Court (Annexures P-4 and P-5).

Applying the ratio of the above mentioned judgments, the writ petition is allowed and order dated 04.07.2014 (P-7) is set aside. A direction is given to the respondents to restore the family pension of the petitioner w.e.f May 1997 and the arrears shall be paid w.e.f May 1997 with interest @ 9% till the date of payment. The entire arrears shall be paid within a period of 02 months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

14.01.2016

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