

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

CWP No.8580 of 2013 (O&M)

Date of decision : July 29, 2016

Gurmit Kaur

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.K. Walia, Advocate for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

ASI Pritam Singh was murdered by the terrorist on 18.06.1988 while in service. A special family pension was sanctioned to his widow Amarjeet kaur on 05.10.1988 and his son Surinderpal Singh was also appointed as Constable in Punjab Police on compassionate ground on 02.01.1990. However, due to absence of Surinderpal Singh from duty, he was dismissed from service on 19.02.2001. Later on, he died on 02.08.2007.

Petitioner, who happens to be wife of said Surinderpal Singh claims that she and her children were being maintained by Amarjeet Kaur widow of ASI Pritam Singh. Therefore, the minor children i.e. grand children of ASI Pritam Singh are entitled to special family pension on the basis of the judgment (Annexure P-6) passed in CWP No.902 of 2009, titled as ***“Ramanpreet Kaur (minor) and another vs The State of Punjab and others”***, decided on 04.10.2010.

The State has refuted the claim of the petitioner.

I have heard learned counsel for the parties and have also

carefully gone through the case file.

The judgment (Annexure P-6) shows that in the said case, the widow of the deceased, who was murdered was not granted special family pension on account of the fact that she was also murdered along with her husband.

In the present case, the family pension was allowed to Amarjeet Kaur, widow of deceased and she had availed the same during her life time. She is stated to have died on 10.10.2000. Surinderpal Singh, husband of the petitioner was appointed in Government job granted on compassionate ground and apparently he was maintaining his family. He was dismissed from service on 19.02.2001. Later on, he died on 02.08.2007.

Now, this writ petition has been filed in the year 2013, claiming that minor grand children of ASI Pritam Singh should be granted family pension on the basis of judgment (Annexure P-6)

I am of the view that the facts of the present case are entirely different. There are no rules for grant of family pension to the grand children of the deceased, who was murdered by the terrorist, particularly, when the special family pension was already granted to the widow of deceased and the same were availed by her till her life time and his son, who happens to be husband of the petitioner, was appointed as Constable on compassionate ground.

Therefore, I do not find any merit in the present writ petition. Accordingly, the same is dismissed.

(KULDIP SINGH)
JUDGE

July 29, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No