

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

Sr. No.227

Civil Writ Petition No.16640 of 2016
DECIDED ON: October 23, 2017

RAJWINDER KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate, for the petitioner.

Ms. Jasleen Kaur Sidhu, Assistant Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to grant the petitioner family pension and other Death-cum-Retirement benefits in respect of service rendered by her deceased husband namely Dilbagh Singh Bajwa, Lab Technician (ECE), Pandit Jagat Ram Government Polytechnic College, Hoshiarpur from December 01, 1998 upto September 12, 2013, the date of his demise.

2. Today, reply by way of affidavit of Mohanbir Singh, Additional Director, Department of Technical Education and Industrial Training has been filed on behalf of respondents No.1 & 2 by learned State counsel, which is taken on record subject to all just exceptions.

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3. A glance at the aforesaid reply transpires that the matter in controversy was taken up with Government by respondent No.2 to grant the benefit of pension scheme which was applicable prior to January 01, 2004 in pursuance of judgment dated August 31, 2010 passed in Civil Writ Petition No.2371 of 2010 titled as *Harbans Lal vs. State of Punjab & ors.* and it has been ordered to grant/release the pensionary benefits to the petitioner vide order dated May 09, 2017. But at this juncture, it has been submitted by learned counsel for the petitioner that till date neither pension has been released in favour of the petitioner nor death-cum-retirement benefits have been granted.

4. Thus, instant petition is disposed of with a direction to the respondents to make it convenient to release the benefits within a period of three months positively from the date of receipt of a certified copy of this order. However, if direction is not complied with, petitioner shall be entitled to interest @ 9% per annum after the expiry of three months from the date of death of her husband till its actual payment.

October 23, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No