

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

CWP No.7748 of 2016

Date of decision: July 31, 2017

Balbir Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ranjivan Singh, Advocate
for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

JASPAL SINGH, J.(ORAL)

By virtue of the civil writ petition preferred under Articles 226 and 227 of Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to release/grant the benefit of family pension and other due retiral benefits like DCRG etc. under the provisions of Rule 6.16-C, and Rule 6.17 of Punjab Civil Services Rules alongwith the interest @ 18% p.a. from the date of its accrual i.e. 08.01.2013, to the petitioner being fully entitled to get the same after the death of her husband in harness on 08.01.2013 in view of the regularization order dated 10.07.2009 (Annexure P-4) and further in view of the judgment dated 19.02.2016 (Annexure P-11) as passed by this Court in CWP No.17294 of 2015 in consonance with the law laid down by this Court in *Harbans Lal Vs. State of Punjab* vide its judgment dated 31.08.2010 (Annexure P-8) and upheld by the Hon'ble Supreme Court of India vide its judgment dated 30.07.2012 (Annexure P-9) against which the review petition filed by the respondent-State has also been dismissed by the Hon'ble Supreme Court of India vide its judgment dated 04.11.2015 (Annexure P-10).

In response to the notice of motion, the State has filed the reply in the shape of short affidavit of Mohanbir Singh, additional Director, Department of Technical Education & Industrial Training on behalf of respondents No.1 to 3.

A glance at the reply transpires that the concerned authorities have accorded approval for the benefit of family pension under old pension scheme to Smt. Balbir Kaur, petitioner wife of late Sh. Parminder Singh, Lecturer Mechanical, Government Polytechnic College, Khunimajra vide letter dated 18.04.2017 (Annexure RT/1) but till date neither the family pension nor pensionary benefits have been released/dispensed to the petitioner.

In view of the short reply submitted on behalf of respondents No.1 to 3, the instant petition is disposed of with direction to respondent No.1-The Principal Secretary, Department of Technical Education and Industrial Training, Mini Secretariat, Punjab, Chandigarh to look into the grievances with regard to non-disbursal of the family pension and pensionary benefits to the petitioner on account of the untimely death of her husband within a period of three months from the date of receipt of certified copy of this order.

The petitioner shall also be entitled to the interest @12 % after three months of her husband's retirement i.e. 08.01.2013.

July 31, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No