

RSA No. 1777 of 2017(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 1777 of 2017(O&M))

Date of Decision: 30.03.2017

HARYANA STATE AGRICULTURAL MARKETING BOARD & ANR
...Petitioners

Vs.

PURNI DEVI

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Padam Kant Dwivedi, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

No substantial question of law arises in this appeal in the face of concurrent findings of the fact recorded by the courts below awarding arrears of pension and family pension etc. to the widow of late Government Servant who died in 2012. During the period 1986 to 1992 the husband had been rendered out of service because of an order passed by the employer for which he had to litigate to secure relief of reinstatement from Court.

In the meanwhile, the department had sought options from its employees whether they wished to change from CPF to EPF pension Scheme. That opportunity was lost to the husband. It is argued that he was reinstated in 1992. He should have taken steps to opt for the pension scheme. But there was no evidence led by the department that on reinstatement they offered him an opportunity to exercise option.

In view of the above, I find no cogent and valid ground to interfere in this appeal either under Section 100 of the CPC or Section 41 of the Punjab Courts Act, 1918.

RSA No. 1777 of 2017(O&M)

Both the courts below have done substantial justice in the matter of pension and family pension and it will be wholly inequitable to disturb the rights settled by the decree in favour of the widow.

(RAJIV NARAIN RAINA)
JUDGE

30.03.2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>