

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

Sr. No.203

Civil Writ Petition No. 16147 of 2013
DECIDED ON: February 12, 2018

LAXMI SARASWAT

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mannu K. Bhandari, Advocate,
for the petitioner.

Mr. R.K.S. Brar, Additional Advocate General, Haryana.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to re-fix the pension of her husband in the grade of Rs.37400-68000 + band pay of Rs.9000/- w.e.f. January 01, 2006 to February 26, 2013 and thereafter the family pension of the petitioner in the same grade w.e.f. February 27, 2013 onwards and further to release the arrears of family pension after re-fixing the same in the aforesaid grade along with interest @ 18% per annum.

2. During the course of arguments, it has emerged that Government of Haryana, Finance Department has issued the Notification No.1/46/2009-4PR (FD), dated August 20, 2009 (R-1), which clearly clinches the matter in controversy and the petitioner becomes entitled to the

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relief claimed through the instant petition. As per notification dated August 27, 2009, issued by the Government of Haryana, petitioner is entitled to the re-fixation of pension of her husband in the grade of Rs.37400-68000 + band pay of Rs.9000/- w.e.f. January 01, 2006 to February 26, 2013 the day on account of the fact that her husband was taken away by the nature.

3. As far as grant of interest is concerned, husband of the petitioner became entitled to the relief claimed through the instant petition in the year 2009 on the basis of the notification dated August 27, 2009 and the respondents were obliged to reconsider the case in the light of the aforesaid notification and to grant the necessary benefits which was not done and ultimately, husband of the petitioner breathed his last on February 26, 2013. The husband of the petitioner did not approach the Court prior to the filing of the instant petition by her wife. Thus, petitioner is entitled to the benefits from filing of the instant petition till the actual payment(s).

4. Respondents are directed to calculate the arrears and re-fix the family pension as well as interest @ 9% per annum on the delayed payment(s) of pensionary benefits after the expiry of three months from the demise of her husband, within a period of two months from the date of receipt of a certified copy of this judgment and disburse the same within a period of 30 days thereafter.

February 12, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**