

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.1543 OF 2015
DECIDED ON: FEBRUARY 14, 2018

GURMEET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amandeep Singh Cheema, Advocate,
for the petitioner.

Mr. Sudeepti Sharma, Additional Advocate General, Punjab.

JASPAL SINGH, J.

Through instant petition preferred under Article 226 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of certiorari for quashing of order dated 17.06.2014 (Annexure P-3) as well as order dated 29.10.2014 (Annexure P-5), vide which, the family pension case of the petitioner after the demise of her husband late Sh. Sukhwinder Singh, has been rejected. With further direction to respondents that entire pensionary benefits accrued to her husband be released to her.

2. During the course of arguments, it has emerged that though the appointment letter was issued on 26.12.2003 to the husband of the petitioner but he joined his services on 02.01.2004 and served till 26.02.2014, the day he was unfortunately taken away by the nature while in service at Govt. High School

Bachhoanna, District Mansa, Punjab.

3. Undisputably, the husband of the petitioner though issued appointment letter on 26.12.2003 yet he joined his services on 02.01.2004. Vide notification dated 02.03.2004, the Punjab Civil Services Rules were amended which are called as Punjab Civil Services (First Amendment) Rules, 2004, which came to force with effect from the 1st day of January 2004. According to the aforesaid notification and amendment of Rules, the pension scheme, which was in vogue prior to 01.01.2004 came to an end and the employees stood covered by new "Defined Contributory Pension Scheme". In view of the amendment, which is fully applicable to the facts and circumstances of the case in hand, the case of the petitioner has been rightly rejected. Once, the employee is not entitled to the pension scheme, which was prevalent and operative prior to 01.01.2004, the petitioner being the widow of said employee is also not entitled to any benefit thereof.

4. Thus, this Court does not find any impropriety or infirmity in the impugned orders passed by the respondents.

5. In the light of what has been discussed above, the instant petition being devoid of merit is dismissed. However, with no order as to costs.

FEBRUARY 14, 2018
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(JASPAL SINGH)
JUDGE

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