

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Civil Writ Petition No.21594 of 2015 (O & M)

Date of Decision: September 06, 2018

Gurmit Kaur @ Manjit Kaur

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Dalip Singh Brar, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General,
Punjab.

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Jaspal Singh, J

Through the instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to grant her husband Gurlal Singh, deemed date of adjustment as Constable from the date he completed six months of service as SPO and all consequential benefits; issuance of a writ in the nature of certiorari, for quashing order dated August 06, 2013 (Annexure P-5) passed by respondent No.2 whereby legal notice dated December 08, 2012 has been rejected and benefits claimed have been declined without assigning any reason; as well as direction to the respondents to count the entire service rendered by her husband and grant pensionary benefits alongwith ex-gratia payment to petitioner being his widow.

Learned counsel for the petitioner has contended that the issue involved in the instant writ petition is squarely covered by the decision of a Division Bench of this Court rendered in '**Harbans Lal Vs. The State of Punjab and others**', reported as **2012 (3) S.C.T. 362**, which has attained finality, the ratio of which has also been extended to the similarly situated Special Police Officers by a coordinate Bench of this Court rendered in **CWP No.24472 of 2015** titled as '**Constable Rajesh Kumar and others Vs. State of Punjab and another**', vide order dated 07.01.2016, as even the review filed against the said order was dismissed vide order dated 09.05.2016. It is further contended that similarly situated widow of the Constable has been granted family pension w.e.f. date of death of her husband along with revised death-cum-retirement gratuity etc., by this Court in case **CWP No.11802 of 2008**, titled as "**Paramjit Kaur Versus The State of Punjab and others**", decided on 11.05.2016.

The State counsel does not dispute the aforesaid factual position, coupled with the facts of the present case that the matter is squarely covered by the decisions rendered in **Harbans Lal's case (supra)** and **Paramjit Kaur's case (supra)**, as also order dated 07.01.2016.

In view of the aforesaid circumstances, the present writ petition is disposed of in the same terms as in **CWP No.24472 of 2015** decided on 07.01.2016 and **CWP No.11802 of 2008**, decided on 11.05.2016.

September 06, 2018
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No