

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

Sr. No.122

Civil Writ Petition No.15772 of 2018
DECIDED ON: July 03, 2018

SUNITA RANI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jitender S. Chahal, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondents to release the revised enhanced family pension to the petitioner @ 50% of pay after fixation of pay of her husband as per matrix recommended by the 7th Central Pay Commission corresponding to pay scale/pay band and grade pay at which husband of the petitioner died (i.e. 50% of existing basic pay multiplying by 2.57) for a period of ten years w.e.f. 01.04.2017 to 30.03.2027 @ 32,500/- per month as per Haryana Civil Services (Pension) Rules, 2016, Haryana Civil Services (Revised Pension) Part-1 Rules, 2017 and office Memo. No.2/23/2016-1Pension dated 10.01.2018 along with arrear of family pension with interest @ 18% p.a. WITH Further direction to release compassionate allowance i.e. Pay along with other allowances as per Haryana Civil Service (Revised Pay) Rules, 2016 w.e.f. 01.01.2016 to 31.03.2017 along with interest @ 18%.

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2. Learned counsel for the petitioner contends that though a legal notice was made to the respondents on 12.02.2018 (P-4) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the concerned Department. He further submits that she feels satisfied in case a direction is issued to respondents particularly respondent No.3 to decide the aforesaid legal notice (P-4), within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents particularly respondent No.3-Director, Elementary Education, Sector 5, Siksha Sadan, Panchkula, Haryana to look into the grievances unfolded by the petitioner in the legal notice dated 12.02.2018 (P-4) and to take a conscious decision by passing a speaking order as per rules and instructions issued by the Government from time to time, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, she shall be at liberty to approach this Court.

July 03, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**