

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

**CWP No. 25556 of 2018
DECIDED ON: OCTOBER 05, 2018**

SUKHWINDER KAUR AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Mohri, Advocate
 for the petitioners.

JASPAL SINGH, J (ORAL)

Through instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioners have sought issuance of a writ especially in the nature of certiorari thereby declaring para No.4 of Instruction dated December 12, 2006 (P-6) issued by the Government of Punjab, by which the Contributory Pension Scheme introduced by the respondents has been made applicable retrospectively, vide which they acquired right of the late husbands, as mentioned in detail chart (P-1), died while on their service period, who reflected at Sr. No.2 in report dated March 15, 2017 (P-11) issued by respondent No.2 and further petitioners have right to get pension and family pension under the Punjab Civil Services Rules after the death of their husbands. AND further directing the respondents to count the daily wage service of Late husbands of

the petitioners, who had rendered before their respective regularization as qualifying service more than 10 years as mentioned in detail chart (P-1) as well as to release the gratuity to the petitioners along with interest @ 18% per annum.

2. Learned counsel for the petitioners contends that though a joint representation was made to the respondents on July 24, 2018 (P-14) but till date neither any reply has been received nor any conscious decision has been taken on the afore-said representation. Learned counsel for the petitioners further submits that petitioners feel satisfied in case a direction is issued to respondents No.2 & 3 to decide the aforesaid representation (P-14) in the light of the judgment rendered in case *Harbans Lal vs. The State of Punjab & ors., CWP No.2371 of 2010*, decided on August 31, 2010 passed by the Division Bench of this Court, 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 No.2 & 3 to look into the grievances unfolded by the petitioners in the aforesaid representation dated July 24, 2018 (P-14) and to take a conscious decision by passing a speaking order in the light of *Harbans Lal's case (supra)*, within a period of four months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioners shall be at liberty to have recourse to other remedies available under the law including to approach this Court.

OCTOBER 05, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*