

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

**(109)**

**CWP-25721-2018**

**Date of Decision: December 03, 2018**

**Sukhwinder Kaur**

**..Petitioner**

**Versus**

**State of Punjab and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. G.P. Vashisht, Advocate, for the petitioner.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

In the present case, the petitioner is claiming the family pension and other retiral benefits, for which the husband of the petitioner was entitled for after he retired from service on 31.08.2005.

It has been contended by the petitioner that the husband of the petitioner was getting a provisional pension and the other benefits were being withheld on the ground of the pendency of the disciplinary proceedings, which action the petitioner has already challenged by filing CWP No.13085 of 2005, which stands admitted.

Learned counsel for the petitioner states that once a provisional pension was granted, then the family pension cannot be denied to the petitioner, after the death of the petitioner.

Learned counsel for the petitioner further states that for the relief claimed in the present writ petition, the petitioner has served the respondents with legal notice Annexure P-2 dated 01.05.2018 and at this stage, the petitioner will be satisfied, in case a time bound direction is given to the respondents to decide the said legal notice Annexure P-2 dated

01.05.2018.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice Annexure P-2 dated 01.05.2018, the present writ petition is disposed of with a direction to the respondents to decide the legal notice Annexure P-2 dated 01.05.2018 within a period of three months from the receipt of copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within three months thereafter.

**December 03, 2018**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |