

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

**CWP No. 2652 of 2018
DECIDED ON: FEBRUARY 06, 2018**

KIRAN @ KIRAN BALA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manu K. Bhandari, Advocate
 for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ thereby declaring para No.4 of the instructions (P-4) dated December 12, 2006 issued by respondent No.2 vide which the Contributory Pension Scheme introduced by respondents has been made applicable retrospectively by which the acquired right of the late husband of the petitioner for pension under the Civil Services Rules as also right of the petitioner to claim family pension under the Punjab Civil Services Rules after the death of her husband, which rendered the para No.4 of the impugned instructions illegal and unconstitutional with further direction to count the service rendered by the husband of the petitioner on daily wage basis w.e.f. 15.02.1992 to 07.04.2004 as qualifying service and also to grant arrears of family pension, gratuity and other benefits to the petitioner w.e.f. 01.10.2008

i.e. the date of death of her husband along-with interest @18% per annum per annum with further direction to consider and decide the justice demand Notice P-10 in view of law laid down by this Court vide judgments P-9 and P-12.

2. Learned counsel for the petitioner submits that with regard to the relief(s) claimed through instant petition petitioner has served a justice demand notice dated 04.09.2017 (P-10) upon the respondents and subsequent thereto, reminder dated December 22, 2017 (P-11) but till date no conscious decision has been taken. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-10) within a time bound manner.

3. In view of afore-said facts and circumstances, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (P-10) and to decide the same in accordance with law, rules and regulations, instructions issued by the Government from time to time as well as keeping in view the judgments (P-9 and P-12), within a period of four months from the date of receipt of certified copy of this order.

4. However, in case the petitioner still feels aggrieved by any order of the afore-said authorities, she shall be at liberty to approach this Court.

FEBRUARY 06, 2018
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(JASPAL SINGH)
JUDGE

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