

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30091 of 2018
Date of Decision : 29.11.2018

Maninder Bir Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Jasbir Singh Mohri, Advocate for the petitioners.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioners, who are the widows of the employees, have approached this Court claiming the family pension on account of the services rendered by their late husbands.

It has been averred in the petition that initially late husbands of the petitioners were appointed as Special Police Officers and thereafter they were absorbed as Constables. Unfortunately, while working, their husbands passed away. The grant of family pension is not being considered on the ground that late husbands of the petitioners will be considered under the New Pension Scheme, which had come into operation after 01.01.2004.

Learned counsel for the petitioners states that the late husbands of the petitioners are entitled to be considered under the Old Pension Scheme in view of the judgment of this Court passed in CWP No. 2371 of 2010, titled *Harbans Lal Vs. The State of Punjab and others*, decided on 31.08.2010. Further on the basis of the said judgment, the cases of Special

Police Officers have already been decided by this Court, wherein the Special Police Officers have been held to be entitled for Old Pension Scheme. CWP No. 11802 of 2008, CWP No. 16918 of 2015 and CWP No. 29080 of 2017, which also involve the same question of law as in the present case, have also been allowed.

Learned counsel for the petitioners states that at this stage, the petitioners will be satisfied in case a direction is given to the respondents to decide their representations dated 22.09.2018 (Annexure P-15) made to the respondents.

Without commenting anything on the merits of the case and the entitlement of the petitioners to seek family pension, the present writ petition is disposed of with a direction to the respondents to pass appropriate speaking order on the claim raised by the petitioners in the representation dated 22.09.2018 (Annexure P-15) within a period of three months from the date of receipt of certified copy of this order.

In case, after the order is passed, it is found that the petitioners are entitled for the family pension, the same should also be released from the date when they became entitled for along with arrears within a period of next three months.

The writ petition stands disposed of accordingly.

November 29, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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