

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31030 of 2018
Date of Decision : 07.12.2018

Roopa Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

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

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

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner is seeking family pension on account of the service rendered by her late husband Sh. Ashok Kumar.

It has been stated in the petition that the husband of the petitioner was appointed as a Class-IV employee on daily wage basis in the year 1992 and he kept on serving as such till his services were regularized w.e.f. 01.10.2009. Unfortunately, husband of the petitioner died while in service on 27.04.2010.

According to the petitioner, the respondents have not granted her the benefit of pension and other pensionary benefits on the ground that after 01.01.2004 the Old Pension Scheme is not in existence and only Contributory Pension Scheme was in operation.

Learned counsel for the petitioner states that 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, the

husband of the petitioner, who was initially appointed in the year 1992, was entitled to be governed under the Old Pension Scheme and, therefore, petitioner will be entitled for all the benefits including family pension.

Learned counsel further states that for the relief, which has been claimed in the present writ petition, the petitioner has served respondents with the representation dated 17.07.2018 (Annexure P-10) and the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the representation by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representation, the present writ petition is disposed of with a direction to the respondents to pass appropriate speaking order on the claim raised by the petitioner in the representation dated 17.07.2018 (Annexure P-10) 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 petitioner is entitled for the family pension, the same should also be released from the date when she became entitled for alongwith arrears within a period of next three months.

The writ petition stands disposed of accordingly.

December 07, 2018
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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