

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3443 OF 2018
DECIDED ON: FEBRUARY 22, 2018

KRISHNA DEVI

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ravi Verma, Advocate,
for the petitioner.

JASPAL SINGH, J

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to release family pension from 10.01.1990 to 03.09.2009 by issuing necessary sanction under Rule 10.2 of Punjab Civil Service Rules, Vol. II as has been desired by the office of Accountant General (A&E), Haryana-respondent No.4 vide letter dated 04.03.2011 (Annexure P-2) and release due arrear of family pension to her along with interest @ 12% p.a. from due date till its actual payment.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner namely Sh. Narain Dass had gone missing on 10.01.1990, who has working as JBT Teacher in the Education Department of Haryana. Though, the family pension was sanctioned vide letter/order dated

17.09.2010 (Annexure P-1) but the matter with regard to release of family pension w.e.f. 10.01.1990 to 03.09.2009 is lingering on, on account of inter se communication of the office of Accountant General, Haryana with the sanctioning authority i.e. Director Education, Haryana and in between the Director Education, Haryana and Finance Department of Haryana Government, as is evident from letter No.Pen-7/No.834/09-10/2574-75, dated 04.03.2011, since, then no final or conscious decision has been taken and petitioner, who is aged about 75 years is still facing various hardships.

3. At this juncture, learned counsel for the petitioner has submitted that the petitioner feels satisfied in case direction is issued to the concerned authority to take up the case and final decision be taken, within some prescribed period.

4. In the light of aforesaid submissions but without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to respondents to take up the case of the petitioner seriously and consider the same under Rules. The authorities concerned shall take a final decision in the matter within a period of 4 months, from the date of receipt of certified copy of this order. In case, the relief claimed through instant petition by the petitioner is not to be granted, the concerned authority is directed to pass a speaking and reasoned order and in that event, the petitioner shall be at liberty to avail remedies under law as well as to approach this Court.

FEBRUARY 22, 2018
sonika

(JASPAL SINGH)
JUDGE

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