

CWP No. 4809 of 2018

DECIDED ON: FEBRUARY 28, 2018

PHOOL KALI

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagneshwar Walia, 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 in the nature of mandamus directing the respondents to grant her family pension, gratuity (DCRG), Ex-gratia, provident fund along-with its arrears and interest with regard to the services rendered by her husband with the police department, who died in harness on November 08, 2016 by counting his daily wage service rendered by her husband prior to his regularization as qualifying service for the purpose of pensionary/retiral benefits.

2. Learned counsel for the petitioner submits that the husband of the petitioner is held entitled to the pensionary benefits as per the old GPF scheme, which was applicable to the employees recruited in Punjab Government Service prior to 01.01.2004. He further submits that the case of petitioner is squarely covered under the guidelines laid down by the Division Bench of this Court in the case of Harbans Lal vs. State of Punjab and others; 2012 (3) SCT 362 (P-

2) and the same relief has already been extended to similarly situated employees by this Court in vide judgments rendered CWP No. 1665 of 2017 **titled as Budhi Singh & others vs. State of Punjab and others**; decided on August 09, 2017 (P-5), CWP No. 11802 of 2008, titled as **Paramjit Kaur vs. State of Punjab & others**, decided on May 11, 2016 (P-6) and CWP No. 27548 of 2017, titled as **Amarjit Kaur vs. State of Punjab and others**; decided on December 14, 2017 (P-7). He further submits that petitioner moved representation dated October 15, 2017 (P-8) but despite the fact that a period of more than three months has elapsed, no action has been taken so far. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to consider and decide the representation (P-8) within some stipulated period

3. In the light of afore-said facts and circumstances but without expressing any opinion on the merits of the case, the instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in her representation dated October 15, 2017 (P-8) and to take a conscious decision in accordance with law, rules and regulations and also in view of judgments referred in para 2 of this order, within a period of four months from the date of receipt of certified copy of this order.

4. In case the petitioner still feels aggrieved, she shall be at liberty to have recourse to the other remedies available under law including to approach this Court.

February 28, 2018
sham

(JASPAL SINGH)
JUDGE

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