

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

LPA-1422-2017 (O&M)

Date of decision:- 18.07.2018

Parkash Chand and others

...Appellants

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Sukhdeep Singh Bhinder, Advocate,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

This intra-court appeal under clause X of the Letters Patent Act has been filed by the petitioners (appellants herein) challenging the judgement and order dated 08.05.2017 passed by the learned Single Judge disposing of the writ petition filed by them challenging the orders passed by the respondents rejecting the claim of family pension made by mother of petitioners No. 2 and 3.

2. Her claim for family pension on account of the death of her daughter, namely, Dr. Rakesh Lata, who died on 15.08.2003, was rejected on the ground that petitioner No. 1 - her husband was having sufficient income and she did not fulfill the criteria. The order was not challenged by her during her life time. It was only after her death, the petitioners claiming themselves to be her heirs have approached this Court. The learned Single Judge was of the view that since the issue as to whether the husband of the deceased mother was having sufficient income or not is a matter which can only be decided on the basis of evidence, hence relegated the

petitioners to avail the appropriate remedy before the appropriate forum.

3. We find no illegality in the findings recorded by the learned Single Judge based whereupon the petition has been disposed of. Admittedly, the issue in respect of the sufficient income can only be decided on the basis of evidence. It cannot be effectively gone into a writ jurisdiction. The learned Single Judge, in our considered opinion, rightly relegated the petitioners to avail the appropriate remedy before the appropriate forum.

4. The impugned order does not require any interference and the appeal stands accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.07.2018
Amodh

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