

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

(129)

CWP-32255-2018

Date of Decision: December 17, 2018

Kamaljit Kaur and ors

..Petitioners

Versus

State of Punjab and ors

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manpreet Singh Dua, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the petitioner(s) are seeking family pension on account of the service rendered by their late husband(s).

It has been stated in the petition that the husband(s) of the petitioner(s) No. 1 to 5 were appointed as SPOs and husband(s) of petitioner(s) No. 6 and 7 were appointed as Cook on daily wage basis on different dates and they kept on serving as such till their services were regularized. Unfortunately, husbands of the petitioners died while in service on different dates as mentioned in Annexure P-1.

According to the petitioners, the respondents have not granted them 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 petitioners 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(s) of the petitioner(s), who were initially appointed in the years

1992, 1993, 1994 and 1996, were entitled to be governed under the Old

Pension Scheme and, therefore, petitioners 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 petitioners have served the respondents with the representation dated 16.10.2018 (Annexure P-8) and the petitioners 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 petitioners 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 petitioners in the representation dated 16.10.2018 (Annexure P-8) 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 alongwith arrears within a period of next three months.

The writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

December 17, 2018
harsha

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