

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33053-2018

Date of decision: - 18.12.2018

Gurpreet Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Suminder Deep Kaur, Advocate
for Mr. Rajeev K. Kapila, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner is widow of Sh. Sewa Singh, who was initially appointed as a Special Police Officer on 17.08.1992 and thereafter, his services has been regularized on 25.04.2004.

It has been averred in the writ petition that husband of the petitioner unfortunately died on 04.08.2010. It has been contended on behalf of the petitioner that the husband of the petitioner was entitled for pension under the Old Pension Scheme in view of the law laid down by this Court in **Harbans Lal Vs. State of Punjab and others**, in CWP No.2371 of 2010, decided on 31.08.2010 (P-4); CWP No.24472 of 2015, decided on 07.01.2016 (P-7) and CWP No.864 of 2017, decided on 17.07.2017 (P-8), which cases relate to the grant of pensionary benefits to the Special Police Officers appointed in the year 1993.

It transpires from the record that the present writ petition has

been filed without even raising any demand from the respondents as no representation or legal notice has been served by the petitioner before approaching this Court, which is mandatory if a writ of the mandamus is being sought.

Faced with the situation, counsel for the petitioner prays that the petitioner be given liberty to file representation in respect of the claim which is being made by her in the present writ petition.

In view of the request made, the present petition is disposed of by observing that in case the petitioner files a representation or serves the respondents with a legal notice within a period of four weeks from today, the respondents shall decide the same by passing the appropriate orders keeping in view the law mentioned hereinbefore within a period of three months from the date of receipt of such representation/legal notice, if any. In case after the decision, it is found that the petitioner is entitled for any monetary benefits, the same should also be released to her within a period of next three months.

It is made clear that this Court does not express any opinion on the merits of the case and the claim being made in the present writ petition or the representation to be filed by the petitioner before the respondents.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 18, 2018
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No