

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1821 of 2019

Date of Decision : 23.01.2019

Nachhattar Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Singh Mohri, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance raised by the petitioner is that after the death of her husband, she has not been paid any benefit including the pension.

Learned counsel for the petitioner states that the objection which is being taken by the respondents is that husband of the petitioner was though appointed as Mochi prior to 01.01.2004 but was actually regularized in service on 01.10.2009.

Learned counsel for the petitioner contended that respondents are making new pension scheme applicable upon the case of the petitioner, whereas this Court has already settled the said controversy in CWP No. 11802 of 2008 titled as ***Paramjit Kaur Vs. State of Punjab and others***, decided on 11.05.2016 (Annexure P-5) to hold that the SPOs, who were appointed prior to 01.01.2004, are to be considered under the Old Pension Scheme.

Learned counsel further states that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 22.09.2018 (Annexure P-8) to the respondents and the petitioner 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 petitioner 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 an appropriate speaking order on the claim raised by the petitioner in the representation dated 22.09.2018 (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, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to her within a period of next three months.

The writ petition stands disposed of.

January 23, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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