

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

(110)

CWP-2673-2019

Date of Decision: January 31, 2019

Kamlesh Rani

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the prayer is being made by the petitioner for the grant of family pension after the death of her husband namely Shri Ram.

Learned counsel for the petitioner states that the respondents are treating the husband of the petitioner governed by the new pension scheme on the ground that his services were regularized on 03.10.2007 and after 01.01.2004, only the new pension scheme is in operation according to which, the employees are not entitled for pension.

Learned counsel for the petitioner further states that case of the husband of the petitioner is covered by the judgment of this Court passed in **CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010** according to which, an employee though regularized in service after 01.01.2004 but was in service prior to the said date is to be governed by the old pension scheme.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has

served the respondents with a legal notice dated 03.12.2018 (Annexure P-7) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 03.12.2018 (Annexure P-7) by passing a speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 03.12.2018 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 03.12.2018 (Annexure P-7) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

January 31, 2019
harsha

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