

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4006 of 2019

Date of Decision : 14.02.2019

Saira Bano

...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 claim which is being made by the petitioner is that she is entitled for family pension after the death of her husband, Abdul Rehman, who unfortunately, died while in service on 19.06.2018.

Learned counsel for the petitioner contends that the husband of the petitioner was appointed as a Barber with the respondents in the year 1993 and his services were regularized on 01.10.2009 and he continued working till 19.06.2018 when he, unfortunately, died.

As per the averments made in the writ petition, the benefit of family pension is not being extended to the petitioner on the ground that the services of her husband were regularized on 01.10.2009 i.e. when the New Contributory Pension Scheme was in operation.

Learned counsel for the petitioner states that as per the judgment of this Court in *Harbans Lal Vs. The State of Punjab and*

others, passed in CWP No. 2371 of 2010, decided on 31.08.2010, the employees, who were appointed prior to 01.01.2004, though their services were regularized after 01.01.2004, are entitled for the benefit of Old Pension Scheme and, therefore, case of the petitioner will be covered under the Old Pension Scheme as being prayed by the petitioner. Learned counsel further states that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 26.12.2018 (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 representations dated 26.12.2018 (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.

February 14, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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