

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

266

CWP No.4731 of 2019

Date of decision : 05.09.2019

Krishna

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present : Mr.Ram Niwas Sharma, Advocate
for the petitioner.
Mr.C.S.Bakshi, Addl. AG, Haryana.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, grievance which is being raised by the petitioner is for the grant of family pension to the petitioner's husband w.e.f. 06.02.2007 after death of her father-in-law, who was working as Sanskrit teacher and was receiving pension in respect of the service which has been rendered with the department of Govt. of Haryana and had unfortunately died on 05.02.2007.

It has been stated that husband of the petitioner is suffering from physical disability and the said disability had rendered him unable to earn his livelihood even after attaining 25 years of age, making him eligible for the grant of family pension after the death of his father. Further claim of the petitioner is that husband of the petitioner be also paid the interest on the said family pension which has been delayed by the respondents. Notice of motion in this writ petition has already been issued and reply has also been filed. Counsel for the petitioner states that only objection taken for not granting the benefit is that there was no nomination done by the late father of the husband of the petitioner in this

regard.

Counsel for the petitioner states that the petitioner has served the respondents with a legal notice dated 12.12.2018 (Annexure P-11) in which it has been clarified that once as a matter of fact, husband of the petitioner is disabled and cannot earn the livelihood, no nomination is required and the said legal notice is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

Learned counsel appearing for the respondents states that he has no objection in accepting the plea of the petitioner to decide the legal notice in time bound by passing a speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 12.12.2018 (Annexure P-11) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

In case, after the aforesaid decision, it is found that the petitioner is entitled for any monetary benefits, the same shall also be released to him within a period of three months thereafter.

Present writ petition stands disposed of.

05.09.2019

sd

[HARSIMRAN SINGH SETHI]
JUDGE

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No