

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

(122)

**CWP-7301-2019**

**Date of Decision: March 18, 2019**

**Rekha**

**.. Petitioner**

**Versus**

**State of Punjab and others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

**HARSIMRAN SINGH SETHI, J.(ORAL)**

Learned counsel for the petitioner states that the husband of the petitioner was appointed on a Class IV post on 17.07.1994. He kept on working as such till his services were regularized on 04.09.2009. While working on regular basis, unfortunately the husband of the petitioner died in a road accident on 17.06.2016.

The petitioner has filed the present writ petition seeking the benefits for which the petitioner is entitled for after the death of her husband including the family pension.

Learned counsel for the petitioner states that though the judgment rendered by the Division Bench of this Court in **CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010**, squarely covers the case of the husband of the petitioner for the grant of all the benefits but still, the benefits are not being given to the petitioner despite the fact that more than two and half years have passed on the ground that as the services of the husband of the petitioner were regularized in September, 2009 and on the said date old pension scheme was not in force, thus, no benefit can be granted.

Learned counsel for the petitioner states that the said action of the respondent is contrary to the settled principle of law settled by this Court in **Harbans Lal's case (supra)** which has already attained finality upto the Hon'ble Supreme Court of India according to which an employee who initially was appointed before 01.01.2004 but was regularized after 01.01.2004, he/she be governed by old pension scheme.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 14.01.2019 (Annexure P-5) 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 14.01.2019 (Annexure P-5) by passing an appropriate 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 14.01.2019 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 14.01.2019 (Annexure P-5) 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 for 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**

**March 18, 2019**  
*harsha*

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