

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8487 of 2019

Date of Decision : 29.03.2019

Sukhjeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Grover, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioner states that the late husband of the petitioner was appointed on daily wage basis with the respondent on 01.04.1987 and he continued working as such till 24.05.2011 when the services of the husband of the petitioner were regularized. Thereafter, while in service, husband of the petitioner died on 27.07.2012. Learned counsel for the petitioner states that even though as per the order passed by this Court in CWP No. 2371 of 2010, decided on 31.08.2010 (Annexure P-10), titled as '*Harbans Lal Vs. The State of Punjab and others*', husband of the petitioner is entitled to be considered under the Old Pension Scheme as he was appointed prior to 01.01.2004 though his services were regularized after the said date. Further, a prayer has been made that even the ad-hoc service is to be counted as qualifying service for the grant of the pensionary benefits. Counsel for the petitioner argues that releasing of the benefits is

being delayed on one objection or the other and despite the fact that husband of the petitioner died in July, 2012, no benefit has been extended to the petitioner for the last more than six years.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 26.04.2018 (Annexure P-6) 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 in view of the settled principle of law as noticed above.

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 26.04.2018 (Annexure P-6) 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.

March 29, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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