

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12978 of 2019
Date of Decision : 16.05.2019

Smt. Simarjit Gill alias Simarnjit Kaur

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puran Chand Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioner is that her husband was killed by the terrorists on 20.11.1988 while performing his duties. Thereafter, keeping in view the Punjab Civil Services Rules, petitioner was granted the Special Family Pension and she continue to get the same. Further, as per the Policy issued by the Government on 14.09.1998, the families of the employees, who died, while performing their duties, as a result of terrorists attack, they were allowed family pension equivalent to the last pay drawn by the deceased employee, till the death of his widow.

The grievance of the petitioner is that Special Family Pension, which was being granted to the petitioner has been revised by the respondent-State w.e.f. 01.01.2006 but the benefit of the same was not extended to the petitioner and she was being paid the Special Family Pension on the un-revised rates. Vide letter dated 17.07.2018 (Annexure P/1-A), petitioner was informed that the family pension of the petitioner has been revised to Rs. 21,000/- w.e.f. 01.12.2011 but the arrears were only being paid w.e.f. 18.10.2017 without giving any reason for the same.

Learned counsel for the petitioner argues that one Ramanjit Kaur, who was similarly situated as the petitioner, has been granted the revised

pension from 01.01.2006 @ 21,000/-, which is being denied to the petitioner without any valid justification.

Learned counsel for the petitioner 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 05.10.2018 (Annexure P-7), which is still pending consideration with the respondents and has not been decided, though the comments have already been sent by the Senior Superintendent of Police, Faridkot to the concerned authorities, who are to grant the benefit to the petitioner. Learned counsel for the petitioner prays that petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice 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 relief claimed in the present writ petition or in the legal notice, 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 legal notice dated 05.10.2018 (Annexure P-7) 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.

May 16, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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