

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10721 of 2019

Date of Decision : 03.05.2019

Ram Rati Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Jagbir Malik, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioner is for the grant of family pension.

Learned counsel for the petitioner contends that after the death of her husband in January, 1978, petitioner was entitled for family pension. Learned counsel for the petitioner argues that the benefit of family pension was not extended to the petitioner on the ground that under Family Pension Scheme, 1964, only employees, who were working on regular basis, are entitled for the same. Learned counsel for the petitioner states that the said action is contrary to the law laid down by this Court in CWP No. 7506 of 1998, titled as *Kanta Devi Vs. State of Haryana*, decided on 16.12.1999, wherein, it has been held that the family pension will be given to the wife, even if the employee was working on temporary basis after considering the Family Pension Scheme, 1964.

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 an Advance notice dated 27.04.2018 (Annexure P-6) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the Advance 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 Advance 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 Advance notice dated 27.04.2018 (Annexure P-6) within a period of three months from the date of receipt of certified copy of this order.

The writ petition stands disposed of.

May 03, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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