

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

(123)

CWP-12229-2019

Date of Decision: May 09, 2019

Jasjeet Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dilraj Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioner is that her husband was recruited as a Special Police Officer in August, 1990 and he continued working as such till he was allotted the constabulary rank in the year 2009 and was posted in Punjab Police with belt No.614 in 36th PAP battalion. Unfortunately, the husband of the petitioner died on 21.10.2011 and by the said date, he had rendered approximately 21 years of service but no benefit for the service rendered by the husband of the petitioner has been given to the petitioner after death of her husband. Counsel for the petitioner states that the benefits are not being released on the ground that husband of the petitioner was absorbed in Punjab Police in the year 2009 and w.e.f. 01.01.2004, only the contributory provident fund scheme was in operation in the State of Punjab. Counsel for the petitioner further states that the said action is contrary to the law laid by this Court in **CWP No.2371 of 2010, titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010**, according to which an employee who had joined the service prior to 01.01.2004 though his/her services might have been regularized after the said date, are entitled for the benefits under the

old pension scheme.

Learned counsel for the petitioner further relies upon the decision rendered by this Court wherein, similarly situated employees as that of husband of the petitioner, have been granted the retiral benefits. Learned counsel for the petitioner relies upon the order passed in case of a similarly situated widow, who has been held entitled for the pensionary benefits after the death of her husband, who was also initially appointed as SPO and absorbed in the Punjab Police after 01.01.2004.

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 26.12.2018 (Annexure P-9) and in reply to the said legal notice, the respondents have stated that the case of the petitioner is pending before the Government of Punjab for approval to grant pension. Counsel for the petitioner further states that despite the settled principle of law, the case of the similarly situated employees are being kept pending by the respondents without any valid justification 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 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 26.12.2018 (Annexure P-9), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 26.12.2018 (Annexure P-9) 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.

May 09, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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