

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

CWP-18175 of 2019

Date of decision: 08.07.2019

Jaswinder Kaur

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Singh Mohri, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

The present petition has been filed by the petitioner claiming that she should be granted family pension in lieu of the services, which her late husband had rendered with the State of Punjab.

As per the pleadings, husband of the petitioner was appointed as Special Police Officer (SPO) in Punjab police on 15.10.1994 and, thereafter, he was absorbed as a Constable on 03.02.2009. Unfortunately, husband of the petitioner died on 23.09.2010. The petitioner has stated in the petition that as the absorption of her husband as a Constable was on 03.02.2009, new pension scheme is being made applicable and family pension is being denied to the petitioner. In support of her claim made in the petition, counsel for the petitioner is relying upon the decision of this Court in ***CWP No. 2371 of 2010***, titled '***Harbans Lal Vs. State of Punjab and others***,

decided on 31.08.2010, to contend that the case of the petitioner is covered by the above mentioned decision as the husband of the petitioner was initially appointed as Special Police Officer (SPO) in the year 1994 and was absorbed as a Constable on 03.02.2009, hence, old pension scheme will govern the case in respect of the husband of the petitioner and, therefore, the petitioner is entitled for the family pension as well.

For the said claim, the petitioner has submitted a representation (Annexure P-9) on 24.04.2019, which according to the counsel for the petitioner is still pending consideration with the respondents. Learned counsel for the petitioner states that the petitioner will be satisfied at this stage, if a direction is given to the competent authority to decide her representation (Annexure P-9) in a time bound manner.

Keeping in view the request made by counsel for the petitioner, without expressing any opinion on the merits of the case or claim raised by the petitioner in the representation, the present writ petition is disposed of with a direction to the competent authority, to whom the representation has been addressed, to decide the same by passing a speaking order in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

While deciding the representation, the respondent-department shall keep in mind the decision, which has been rendered by this Court in ***CWP No. 2371 of 2010***, titled '***Harbans Lal Vs. State of Punjab and others***' ***CWP No. 11802 of 2008***, titled '***Paramjit Kaur Vs. State of Punjab and others***', and ***CWP No. 16918 of 2015*** titled '***Ranju Vs. State of Punjab***

and others'.

Disposed of in above mentioned terms.

08.07.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |