

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

(116)

CWP-18560-2019

Date of Decision: July 11, 2019

Gurpreet Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baljeet Singh Sidhu, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

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 27.08.1994 and thereafter, he was absorbed as a Constable on 29.01.2009. Unfortunately, husband of the petitioner died on 14.06.2015. The petitioner has stated in the petition that as the absorption of her husband as a Constable was on 29.01.2009, 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 as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010**, to contend that the case of 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 29.01.2009, 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 served a legal notice (Annexure P-7) on 14.12.2016, 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 issued to the competent authority to decide her legal notice (Annexure P-7) 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 legal notice, the present writ petition is disposed of with a direction to the competent authority, to whom the legal notice has been served, 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 legal notice, the respondent-department shall keep in mind the decision, which has been rendered by this Court in *CWP No.2371 of 2010, titled as Harbans Lal Vs. State of Punjab and others, CWP No.11802 of 2008 titled as Paramjit Kaur Vs. State of Punjab and others*, and *CWP No.16918 of 2015 titled as Ranju Vs. State of Punjab and others*.

Disposed of in above mentioned terms.

(HARSIMRAN SINGH SETHI)
JUDGE

July 11, 2019
harsha

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