

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

CWP-1763-2016

Date of decision: - 08.07.2019

Karamjit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Gursharan K. Mann, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer which is being made by the petitioner is for quashing of order dated 14.10.2013 (Annexure P-6) vide which his claim for the grant of second family pension has been rejected.

As per the averments made in the writ petition, late husband of the petitioner had joined Army on 10.04.1971. After taking retirement from the Army, he was appointed as a Peon in the department of the Civil Secretariat, Punjab on 28.07.1986 and from the said service, he retired on 30.10.2010. Husband of the petitioner was drawing pension from the Army and keeping in view the service rendered by him with the State of Punjab, he was also granted the second pension. Unfortunately, husband

of the petitioner died on 12.12.2011 and after the said date, one pension i.e. pension being given by the State of Punjab was stopped on the ground that two family pensions cannot be granted.

Government of India issued a notification on 17.01.2013 whereby, it was decided that where an employee has worked with two authorities, two family pensions can be granted, but the said notification was not adopted by the State of Punjab and therefore, request of the petitioner was rejected by the respondents, vide order dated 14.10.2013 (Annexure P-6). This order has been impugned in the present writ petition.

Upon notice of motion, respondents have filed the reply and in the reply also, the same stand has been taken by the respondents. Thereafter, another short affidavit has been filed by the respondents on 15.07.2016 in which it has been stated that the notification issued by the Government of India dated 17.01.2013 has been adopted by the Government of Punjab, vide notification dated 18.06.2016 prospectively and therefore, claim of the petitioner will be considered keeping in view the said fact.

Counsel for the respondents very fairly states that upon reconsideration, the second family pension in respect of the service rendered by late husband of the petitioner with the Government of Punjab has been restored w.e.f. June, 2016 i.e. from the date when the notification was adopted.

Counsel for the petitioner states that the benefits in respect of the second family pension was only given to the petitioner in the year

2017 and she is entitled for interest and a liberty be given to the petitioner in this regard to approach the respondents to raise the said claim for interest.

Counsel for the respondents states that in case any claim is raised by the petitioner before the respondents in this regard, the same will be decided in accordance with law within a period of three months from the date of said claim.

Counsel for the petitioner states that in view of the statement made by counsel for the respondents, no further order is required to be passed in the present writ petition and she does not want to press the same any further.

Present writ petition stands disposed of in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

July 08, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No