

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

CWP-22664-2015

Date of decision: - 03.04.2019

Kuldip Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Alankar Narula, Advocate
for Mr. Prateek Gupta, Advocate
for respondent-UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the claim being made by the petitioner is for the release of family pension.

As per the averments made in the writ petition, husband of the petitioner served the Indian Army from 10.08.1963 to 01.09.1978. He was drawing his pension for the said service. Thereafter, husband of the petitioner was re-employed as a Dafedar with the Irrigation Department and retired from service on 01.09.2004. For the service, which husband of the petitioner had rendered with the State Government, he was granted the pension. Further, husband of the petitioner died on 06.05.2007 and after the death, petitioner was asked to opt for one family pension either

from the Central Government or from the State Government and she opted for the pension from the Army as the same was having higher in emoluments.

As per para 7 of the writ petition, the Central Government passed an instruction on 17.01.2013, vide which the Government allowed the dual pension to the widows of the employees, who had served in the Central Government as well as in the State Government. After the said instructions, petitioner sought reviving of the family pension in respect of the service rendered by her husband with the State Government by filing the present writ petition.

Upon notice, respondent No.3 filed a short reply, which is as under: -

“1. That the petitioner has filed this petition, inter-alia for directing the respondents to release the family pension from civil side also while drawing family pension from defence side also to the petitioner w.e.f. 24th of September, 2012 in view of the letter dated 17.01.2013 (Annexure P-2) regarding dual family pension issued by the Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi with all consequential benefits alongwith interest.

2. That the Government of Punjab, Finance Department (finance personnel policy coordinate branch) has since informed to the office of the answering respondent vide its letter Memo No.3/4/2013-3FPPC/600246/1 dated 01.10.2015 (Annexure R-3/1) that the matter regarding grant of dual family pension from Military as well as Civil Employment is still under consideration of the State Government. Thus at present, no action is pending in the office of answering respondent regarding the grievance of the petitioner being a policy matter of State Government.

3. That the answering respondent is filing the short reply by

way of affidavit. In case, need arises, the answering respondent undertakes it to file a detailed para-wise reply to the writ petition.”

As there is no representation on behalf of the petitioner and case of the petitioner was already under consideration, it can be validly presumed that the benefit has already been extended to the petitioner. In case the same is not already done, then respondent shall finalize the same within a period of two months from the date of receipt of the certified copy of this order and grant the petitioner necessary benefits.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

April 03, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No