

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

CWP-23631-2015

Date of decision: - 03.04.2019

Gurpal 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. K.K. Chahal, Advocate
for respondent Nos.6 and 7.

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 24.12.1946 to 02.04.1971. He was drawing his pension for the said service. Thereafter, husband of the petitioner was re-employed as a Chowkidar in the office of Principal Senior Secondary School Naushehra Pannuan and retired from service on 30.06.1991. For the service, which husband of the petitioner has rendered with the State Government, he was granted the pension. Further, husband of the petitioner died on 21.04.2012 and after the death, petitioner was

drawing only pension from the Army.

As per para 8 of the writ petition, the Central Government passed an instruction on 17.01.2013, vide which the Government of India 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 for the reviving of the family pension in respect of the service rendered by her husband with the State Government.

Upon notice, respondents No.1, 2, 3 and 5 filed the reply, which is as under: -

“2. That the petitioner has filed the present writ petition inter alia sought to release the family pension to the petitioner w.e.f. 24th of Sep. 2012 in view of the letter dated 17-1-2013 passed by the Govt. of India with all consequential benefit such as arrears, interest at the rate of 12% from the date of entitlement to the Dual pension as per the orders of the Govt. of India.

3. That in this regard, it is submitted that earlier there were no instructions of Govt. of Punjab to grant dual pension however now vide notification dated 23-6-2016 benefit of dual pension has been granted to the widows of ex servicemen who are receiving family pension for Govt. of India in terms of notification No.01(05)/2010 D (Pen/policy) dated 17-1-2013 of Ministry of Defence.

4. That in view of the notification issued vide letter dated 23-6-2016 by Govt. of Punjab, the case of family pension of the petitioner was forwarded to A.G. Punjab being competent authority vide letter No.24842-44 dated 17-8-16 by District Education Officer (SE) Punjab for necessary sanction which has been sanctioned vide order No.Sai Pen-5/S-179/90-91/831-34 dated 8-9-16 copy of the sanction letter is attached herewith Annexure R-1. Hence the grievance of the petitioner has been redressed. ”

A bare perusal of the reply shows that the grievance of the petitioner has already been redressed by the respondents-State themselves.

Today, another affidavit of Sukhwinder Singh, Principal, Govt. Senior Secondary School (Boys) Naushehra Panuan, District Tarn Taran, has been filed on behalf of respondents No.1, 2, 3 & 5 in the Court and the same is taken on record. Relevant portion of the said affidavit is as under: -

“1. That the petitioner has filed the present writ petition inter alia sought to release the family pension to the petitioner w.e.f. 24th of Sep. 2012 in view of the letter dated 17-1-2013 passed by the Govt. of India with all consequential benefit such as arrears, interest at the rate of 12% from the date of entitlement to the Dual pension as per the orders of the Govt. of India.

2. That the deponent wants to bring in the kind notice of this Hon'ble Court that the benefits which has been demanded by the petitioner through this writ petition, has been released to her and petitioner is satisfied with those benefits which has been given to her.

3. The deponent further wants to bring in the kind notice of this Hon'ble Court the benefits has already been given to the petitioner, so the petitioner now do not want to proceed with the present writ petition. The petitioner has also executed self declaration in this regard that now she does not want to proceed with writ petition. The self declaration is Annexure-A”.

After perusing the above-said affidavit, it is clear that the benefit has already been released to the petitioner as sought in this writ petition and she has already given in writing that she does not want to

pursue the present writ petition any further.

In view of the above, nothing survives in the present writ petition and the same is disposed of as infructuous.

April 03, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No