

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

(130)

CWP-20775-2019

Date of Decision: July 29, 2019

Radha Devi

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the claim which is being made by the petitioner is that she is entitled for family pension after the death of her husband, Sh. Suresh Kumar, who unfortunately, died while in service on 16.06.2017.

The claim of the petitioner is that though the late husband of the petitioner was working on daily wage basis starting from 17.07.1981 and his services were regularized on 20.11.2006 but after the death, the benefits of the service rendered by her late husband, has not been released to the petitioner as per the old pension scheme.

It is averred in the petition that as the services of the late husband of the petitioner were regularized in November, 2006, the new pension scheme is being made applicable in case of the late husband of the petitioner by the respondents without any valid justification. Plea raised by the petitioner is that as per the law laid down by this Court in CWP No.2371 of 2010, titled as Harbans Lal Vs. The State of Punjab and others, decided on 31.08.2010, employees who were appointed prior to 01.01.2004 though their services were regularized later on, are entitled for pension under the old pension scheme.

Petitioner prays for a direction to the respondents to release the benefits to the petitioner in respect of the service rendered by her late husband under the old pension scheme.

From the pleadings, it transpires that for the relief which has been claimed in the present writ petition, the petitioner has submitted a representation on 20.05.2019 (Annexure P-6) to the respondents and the interest of justice will be served, in case a time bound direction is issued to the respondents to decide the said representation by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the representation dated 20.05.2019 (Annexure P-6), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 20.05.2019 (Annexure P-6) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the representation, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

July 29, 2019
harsha

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