

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-7524-2016

Sanjeev Kumar PuriPetitioner

Versus

State of Haryana and othersRespondents

2. CWP-15162-2016

Sanjeev Kumar PuriPetitioner

Versus

State of Haryana and othersRespondents

Date of decision: - 20.03.2019

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kapil Khanna, Advocate,
for the petitioner in CWP-7524-2016.

None for the petitioner in Cwp-15162-2016

Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, above-mentioned two Civil Writ
Petitions are being disposed of.

Present petitioner filed CWP No.7524 of 2016 claiming the
benefit of the family pension through guardian brother Sh. Rajiv Kumar
Puri. The claim in the said writ petition was that Sh. Sanjeev Kumar Puri

is 80% permanent physical disabled and as he is not able to earn his livelihood, he is entitled for the family pension after the death of his father, namely, Sh. Sushil Kumar Puri, who unfortunately died on 01.01.2016.

Reply to the said writ petition has been filed and in paragraph No.2 of the reply, it has been stated that after the guardianship rights were given to Sh. Rajiv Kumar Puri in respect of claim of Sh. Sanjeev Puri i.e. petitioner herein, on 06.09.2016 the benefits were released to the petitioner immediately and the pensionary benefits are regularly being paid to him. The relevant portion of the reply is as under: -

“1. That the present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed by the petitioner with a prayer to issue a writ in the nature of mandamus for directing the respondents to release family pension to the petitioner after the death of his father Sushil Kumar who expired on 01/01/2016, as per the notification dated 26/08/2004.

2. That the petitioner's brother Rajiv Puri filed a civil suit in District Court Ambala case No.2049/000904/0016 dated 10/03/2016 for Guardianship of Sanjeev Puri s/o late Sh. Sushil Kumar & the same was decided on 06/09/2016 in favour of Rajiv Puri as guardian. The petitioner submitted his complete case on 06/10/2016 for sanction of family pension which was forwarded to A.G. Haryana, Chandigarh, vide letter no.E-1/16/1653 dated 03/01/2017. A.G. Haryana sanctioned family pension vide letter no.Pen.7/S-129/91-92/2400-01 dated 11/01/2017. For the reason mentioned in the para the interest claimed in the petition is not admissible.

3. That the petitioner has again filed CWP No.15162 of 2016 Sanjeev Kumar Puri Vs. State of Haryana and others for the

same cause of action and the same is pending for adjudication.

4. That the claim as prayed in the present writ petition has been settled. The pension has been released to the petitioner. The letter dated 27/03/2017 of Treasury Officer Ambala is annexed as (Annexure R-1).

5. That the pension arrears Rs.1,23,727/- from Jan. 2015-16 to Jan. 2016-17 have been credited through e-salary in his account. The arrears detail is annexed as (Annexure R-2).

6. That the pensionary benefits as per admissibility is being regularly paid.”

Unfortunately, petitioner after filing the above-mentioned writ petition again filed a CWP No.15162 of 2016, for the same relief, in which also, the notice of motion was issued. In the said writ petition, the details of CWP No.7524 of 2016 were not mentioned.

Today, both the writ petitions have been listed before this Court.

Counsel for the petitioner in CWP No.15162 of 2016 states that he was wrongly informed about that no writ petition was filed claiming the relief as claimed in CWP No.15162 of 2016 and now, as he has come to know that there was an earlier writ petition filed by the same petitioner for the same relief, he intends to withdraw the present CWP No.15162 of 2016

In view of the above, CWP No.15162 of 2016 stands dismissed as withdrawn, as prayed for.

In respect of CWP No.7524 of 2016, there was no representation on behalf of the petitioner on the last date of hearing as

well as on 10.05.2017 when the same was taken up.

Keeping in view the facts earlier stated in the reply filed by the respondents in CWP No.7524 of 2016 that the benefits for which the petitioner is entitled for have already been released, this Court is of the opinion that no further orders are required to be passed in the CWP No.7524 of 2016 and accordingly, the same stands disposed of as such.

March 20, 2019
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**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No