

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

(252)

CWP-5065-2017

Date of Decision: March 11, 2019

Bimla Devi

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Dev Singh, Advocate, for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. P.P.S. Thethi, Advocate, for respondents No. 2 to 5 & 7.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the benefit for which the petitioner became entitled for after the death of her husband including the family pension, are not being paid to her.

As per the averments made in the writ petition, the husband of the petitioner namely Prem Kumar was appointed as a daily wager in September, 1988 and was brought on work charge in the year 1994. Thereafter, the services of the petitioner were regularized as a Baildar. On 22.08.2007, he was promoted as Assistant Lineman. Unfortunately, while discharging the duties, the husband of the petitioner died as he suffered electric shock on 01.08.2014.

It has been argued that after the death of the husband of the petitioner, the petitioner has been approaching Courts to get the benefits as she has filed CRM-M-6271-2015 before this Court for taking appropriate

action against the erring officer. As the benefits for which the petitioner was entitled for after the death of her husband, were not being released, ultimately, the present writ petition has been filed by her claiming the said benefits.

Upon notice of motion, the reply has been filed by the respondents.

In the reply, it has been admitted that the husband of the petitioner died on 01.08.2014 and as he had less than 10 years of service, he was not granted any pension.

Learned counsel for the petitioner, on the other hand, stated that the petitioner had more than 10 years of service as he was appointed on daily wage basis in the year 1988, which services which husband of the petitioner rendered on daily wage basis is to be taken into account for calculating the pensionary benefits and therefore the action of the respondents in denying the benefits of pension to the petitioner is contrary to the law laid down by the Full Bench of this Court in **Kesar Chand Vs. State of Punjab and others, 1989 (1) RSJ 6299.**

Today, counsel for the parties are agreed that upon reconsideration, it has been found that the husband of the petitioner was entitled for the pensionary benefits and consequential family pension to the petitioner. All the benefits to the petitioner has already been released by the respondents as claimed in the present writ petition.

Learned counsel for the petitioner states that only grievance which is left to be addressed is the payment of ex-gratia amount for which the petitioner is entitled for as the husband of the petitioner died while working after suffering electrical shock.

Learned counsel for the petitioner states that for the said relief, the representation has been filed, which is pending consideration with the respondents.

Counsel for the respondents very fairly states that even the grant of that relief will be considered as per the Rules by the department and appropriate orders will be passed in this regard within a period of two months from today and in case the petitioner is entitled for any benefit, the same will be released to her within a period of next one month.

Learned counsel for the petitioner states that no further order is required to be passed in the present writ petition in view of the above statement given by counsel for the respondents.

The present writ petition is disposed of as not pressed at this stage.

March 11, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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