

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

(106)

CWP-24645-2019

Date of Decision: September 06, 2019

Chhinder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the claim which is being raised by the petitioner is that he is disabled to the tune of 100% and is not able to earn his livelihood and therefore, petitioner is entitled for the family pension after the death of her mother namely Gurdeep Kaur, who was getting pension at the time of her death.

Learned counsel for the petitioner argues that the case of the petitioner was sent to the Civil Surgeon, Fazilka for adjudging as to whether he is capable of earning the livelihood or not but in the report of the board dated 15.04.2019, only finding returned by the Civil Surgeon is that petitioner is deaf and dumb and handicapped persons belonging to this category are capable of doing the job as per the Punjab Government Instructions but no finding was returned as to whether the petitioner in his physical condition, is able to earn his livelihood or not. Counsel for the petitioner argues that the case was again sent to the Civil Surgeon, Fazilka by the Administrative Department vide their letter dated 14.05.2019 for clarification and the same is still pending consideration with the office of the Civil Surgeon, Fazilka for returning a finding as to whether the petitioner is in a physical state to earn his livelihood or not so, as to entitle him the family pension.

Learned counsel for the petitioner states that the petitioner will be satisfied, at this stage, in case the Civil Surgeon, Fazilka is directed to submit his finding in pursuant to the letter dated 02.05.2019 written by the Executive Engineer, Water Supply and Sanitation Division, Fazilka in a time bound manner so that the further proceedings, if any, is undertaken by the said department.

Without commenting upon the merits of the case or about the entitlement of the petitioner, the present writ petition is disposed of with a direction to Civil Surgeon, Fazilka to pass appropriate orders/reply to the letter dated 14.05.2019 (Annexure P-18) written by the Executive Engineer, Water Supply and Sanitation Division, Fazilka within a period of two months from the receipt of certified copy of this order.

September 06, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No