

CWP-25589-2019

Date of decision: 12.09.2019

BIBO

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Neeraj Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance raised by the petitioner in the present writ petition is that he has not been granted benefit under Old Pension Scheme for the service rendered by her husband with the respondent-department starting from the year 1990 till he attained the age of superannuation on 31.01.2017.

Counsel for the petitioner argues that the late husband of the petitioner was initially appointed on daily wage basis as Beldar in the year 1990. His services were regularized on 28.10.2011 and after regularization, husband of the petitioner rendered regular service till he attained the age of superannuation on 31.01.2017. Counsel for the petitioner submits that no benefit of pension was granted to the husband of the petitioner after his retirement on the ground that as the services of the late husband of the petitioner were regularized on 28.10.2011 and w.e.f. 01.01.2004, the Contributory Pension Scheme came into existence and therefore, no pension can be extended to the husband of the petitioner after he retired on 31.01.2017. After the retirement, the husband of the petitioner died on 20.02.2018, after which, petitioner became entitled for grant of benefit of family

Counsel for the petitioner argues that the non-grant of pension to the husband of the petitioner and family pension to the petitioner after the death of her husband by the respondents is contrary to the settled principles of law laid down by this Court in *CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab & Others* decided on 31.08.2010 (Annexure P-4), which judgment has been upheld by the Supreme Court in *SLP No.17904 of 2011*. Counsel for the petitioner prays that a direction be issued to the respondents to grant the petitioner, benefit of pension/family pension under Old Pension Scheme along with arrears.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 15.04.2019 (Annexure P-12), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim as being made by the petitioner, the respondents are directed to decide the legal notice dated 15.04.2019 (Annexure P-12) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

12.09.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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