

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

(111)

CWP-30419-2019

Decided on: October 19, 2019.

AMARJIT KAUR

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Arora, Advocate
for the petitioner.

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HARSIMRAN SINGH SETHI, J (ORAL)

Counsel for the petitioner argues that the husband of the petitioner was killed in a terrorist attack on 18.07.1990 after which she was granted special family pension which is equivalent to the last pay drawn by the husband of the petitioner.

Learned counsel further argues that the said special family pension was increased by the respondents on 01.01.1996 to be paid @ ₹4850/- per month and thereafter @ ₹13500/- per month w.e.f. 01.12.2011 but the benefit of the said revision was not correctly given to the petitioner as the petitioner was granted special family pension @ ₹4635/- per month w.e.f. 01.01.1996 instead of ₹4850/- per month and similarly w.e.f. 01.01.2006, the petitioner was given family pension of ₹10476/- per month instead of ₹10930/- per month whereas the benefit of the said revision was not given to the petitioner till 17.10.2017.

The prayer of the petitioner is for correctly fixing the special

family pension of the petitioner according to the revised revision which was effected w.e.f. 01.01.1996, 01.01.2006 and 01.12.2011 and release the same to the petitioner along with arrears.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with the legal notice dated 16.08.2019 (Annexure P-7) 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 legal notice dated 16.08.2019 (Annexure P-7) 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 legal notice dated 16.08.2018 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 16.08.2019 (Annexure P-7) 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 benefit after the decision on the legal notice, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

October 19, 2019.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No