

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-30022-2019

Date of decision: - 17.10.2019

Malkiat Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner argues that Special Family Pension was recommended to be enhanced by the Pay Commission, but while implementing the recommendation w.e.f. 01.01.2006 which benefit was not extended to the petitioner. Subsequently, the recommendation were accepted in December, 2011 and the pay-scale of the post, on which husband of the petitioner was working, was revised prospectively from 2011. Counsel further argues that in order to get the revised pay-scale implemented w.e.f. 01.01.2006, a CWP No.25733 of 2012 titled as '**A.P. Sharma and others** Vs. **State of Punjab and others**', was filed, which was allowed by a Co-ordinate Bench of this Court on 22.10.2013 (Annexure P-6), wherein, a direction was given that the pay-scale which was revised w.e.f. 01.12.2011 should be implemented w.e.f. 01.01.2006

and keeping in view the said judgment, the petitioner is seeking the enhancement of her family pension, keeping in view the higher pay scale given to the post w.e.f. 01.01.2006, on which the late husband of the petitioner was working.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 12.05.2019 (Annexure P-10) 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 12.05.2019 (Annexure P-10) 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 12.05.2019 (Annexure P-10), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 12.05.2019 (Annexure P-10) 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 benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

October 17, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No