

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

**CWP-32665-2019**

**Date of decision: - 13.11.2019**

**Rajwinder Kaur**

**....Petitioner**

**Versus**

**State of Punjab and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: - Mr. Vikas Chatrath, Advocate,  
for the petitioner.

**\*\*\***

**HARSIMRAN SINGH SETHI, J. (ORAL)**

Counsel for the petitioner argues that late husband of the petitioner had been convicted in FIR No.102 dated 28.08.2000, which conviction was upheld by this Court and husband of the petitioner unfortunately died during the pendency of the appeal before the Hon'ble Supreme Court of India.

Learned counsel for the petitioner further argues that once the pension was being paid to husband of the petitioner, therefore, after his death, petitioner is entitled for the family pension, which was wrongly stopped by the respondents without passing any order to that effect. Learned counsel further argues that even if the pension is to be stopped by the respondents the same can only be done under Rule 2.2 of the Punjab Civil Services Rules, Volume II, Part II, but no order under said

Rule 2.2 has been passed by the respondents before stopping the pension of the late husband of the petitioner and the consequent release of the family pension. The prayer of the petitioner is for issuance of the directions to the respondents to release her family pension alongwith arrears.

Counsel for the petitioner further states that for the relief, which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 24.08.2019 (Annexure P-5), 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 being made by the petitioner, respondent No.3 is directed to decide the legal notice dated 24.08.2019 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of three months thereafter.

Present writ petition stands disposed of.

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

**November 13, 2019**  
naresh.k

|                            |     |
|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |