

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 36212 of 2018
Date of Decision : 24.01.2019

Surjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Harchand Singh Batth, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which has been raised by the petitioner is that the husband of the petitioner had served in the Department of Jail, Punjab from 23.09.1985 till 09.05.1988. Thereafter, husband of the petitioner was selected in the Department of Education and he joined the same immediately after being relieved from the Department of Jail and there was no gap in service.

Further, it has been mentioned that the husband of the petitioner had already informed the department after his appointment as JBT Teacher about the service rendered by him in the Department of Jail from 23.09.1985 till 09.05.1988.

Learned counsel for the petitioner states that as the service rendered by the husband of the petitioner in Jail Department was under the Government of Punjab, the respondents were liable to take into consideration the said service as a qualifying service for computing the benefits for which the petitioner is entitled for after the death of her

husband, who unfortunately, died on 06.12.2005. Learned counsel for the petitioner has brought to the notice of this Court a communication dated 14.06.2016 (Annexure P-13), which has been made by the Department of Education to the Accountant General, Punjab, wherein it has been recommended that husband of the petitioner was entitled for counting the said service for computing the pensionary benefits which shall now granted to the legal heirs of late Sh. Swinder Singh. It has been contended that despite there being a recommendation, no order has been passed by the respondents in respect of the claim made by the petitioner despite the fact that more than two and half years have elapsed.

Keeping in view the above, the present writ petition is disposed of, at this stage, by giving direction to the Department of Education to pass appropriate orders in respect of the claim made by the petitioner for counting the service rendered by her husband in Jail Department w.e.f. 23.09.1985 till 09.05.1988.

Let appropriate orders be passed in this regard within a period of three months from the date of receipt of copy of this order. It is made clear that, at this stage, this Court expresses no opinion on the merits of the case and the entitlement of the petitioner in respect of the claim being made in the present writ petition.

The writ petition stands disposed of.

January 24, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*