

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(138)

CWP No. 34998 of 2019

Date of Decision : 02.12.2019

Palwinder Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jasbir Singh Mohri, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed by the petitioner claiming that she should be granted family pension in lieu of the services, which her late husband had rendered with the State of Punjab.

As per the pleadings, husband of the petitioner was appointed as Special Police Officer (SPO) in the year 1992 and thereafter he was absorbed as a Constable on 15.03.2005. Unfortunately, husband of the petitioner died on 11.09.2019. As stated in the petition that as the absorption of her husband as a Constable was on 15.03.2005, new pension scheme is being made applicable and family pension is being denied to the petitioner. In support of claim of the grant of family pension made in the petition, counsel for the petitioner is relying upon the decision of this Court in ***CWP No. 2371 of 2010***, titled '***Harbans Lal Vs. State of Punjab and others***', decided on 31.08.2010, to contend that the case of the petitioner is covered by the above mentioned decision as the husband of the petitioner was initially appointed as Special Police Officer (SPO) in the year 1992 and was

absorbed as a Constable on 15.03.2005. Hence, old pension scheme will

govern the case of the husband of the petitioner and, therefore, the petitioner is entitled for the family pension as well.

For the said claim, the petitioner has submitted a representation (Annexure P-9) on 07.10.2019, which according to the counsel for the petitioner is still pending and has not been decided so far. Learned counsel for the petitioner states that the petitioner will be satisfied at this stage, if a direction is given to the competent authority to decide her representation (Annexure P-9) in a time bound manner.

Keeping in view the request made by counsel for the petitioner, the present writ petition is disposed of with a direction to the competent authority, to whom the representation has been addressed, to decide the same by passing a speaking order in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

While deciding the representation, the respondent-department will keep in mind the decision, which has been rendered by this Court in ***CWP No. 2371 of 2010***, titled '***Harbans Lal Vs. State of Punjab and others***' ***CWP No. 11802 of 2008***, titled '***Paramjit Kaur Vs. State of Punjab***', and ***CWP No. 16918 of 2015*** titled '***Ranju Vs. State of Punjab and others***'.

December 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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