

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 36171 of 2019

Date of Decision : 13.12.2019

Pinky Rani

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.S. Jagpal, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that petitioner is an unmarried daughter of late Sh. Ram Chand, who retired from the service of Transport Department on 11.06.1981. Sh. Ram Chand, unfortunately, died on 25.03.1990, after which his wife was sanctioned the family pension. Mother of the petitioner continued getting the family pension till she, unfortunately, died on 20.09.1997. On the date of the death of her mother, petitioner, who is unmarried daughter, was about 30 years of age and the family pension was not accorded to her on the ground that even the unmarried daughter, who is above 25 years of age, is not entitled for the same.

Learned counsel for the petitioner contends that on 28.07.2014, the State of Punjab has amended the said rule keeping in view the order

passed by this Court in CWP No. 16693 of 2013 that the unmarried daughter will be entitled for the family pension even beyond 25 years of age, in case she is not able to earn her livelihood. The prayer of the petitioner is that keeping in view the said Instructions, she is entitled for the grant of family pension as she is unmarried and is not earning any livelihood.

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 14.10.2019 (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 respondent No. 2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 2 is directed to decide the legal notice dated 14.10.2019 (Annexure P-7) 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 next three months.

Writ petition stands disposed of accordingly.

December 13, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No