

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CWP No. 3283 of 2020

Date of Decision : 06.02.2020

Reshma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Harpreet Kaur Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The grievance, which is being raised by the petitioner in the present writ petition is that though her late husband served the respondent-department from 16.02.1992 till 14.03.2017 i.e. the date when he unfortunately died and he was a regular employee of the respondent-department, still no benefit has been extended to the petitioner in respect of the service, which her late husband rendered with the respondent-department.

Learned counsel for the petitioner argues that the benefits are not being extended to the petitioner on the ground that the services of the late husband of the petitioner were only regularized in the year 2011 on which date, as per the respondents, there was no Policy for the grant of pension. Learned counsel for the petitioner further argues that keeping in view the law laid down by this Court in **Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010,** an employee, who was in service as on 01.01.2004, though his services might have been regularized after the said

date, is entitled for the benefits of Old Pension Scheme and, therefore, as the late husband of the petitioner had more than 22 years of service to his credit, petitioner is entitled for all the benefits including the family pension. The prayer of the petitioner is for issuance of a direction to the respondents to release all the benefits including the family pension to her forthwith alongwith arrears and interest thereupon.

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 26.12.2019 (Annexure P-4), 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. 3 to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

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. 3 is directed to decide the legal notice dated 26.12.2019 (Annexure P-4) 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.

February 06, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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