

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 13644-2020

Date of Decision : 04.09.2020

SARLA GUPTA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.K. Arora, Advocate and
Mr. Jugam Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the petitioner, who is the wife of late Sh. Balwant Rai Gupta, who retired as Assistant Soil Conservative Officer from the office of the Chief Conservator of Soils, Department of Soil Conservation, Punjab, has approached this Court for the revision of the family pension after granting the benefit of revised pay scale to late Sh. Balwant Rai Gupta w.e.f. 01.01.2006, which benefit has already been granted to the similarly situated employees of late Sh. Balwant Rai Gupta, namely, Hardev Singh and Amarjit Singh Mand vide orders dated 12.03.2010 and 05.07.2018, copy of which orders have been appended with this writ petition as Annexures P-14 and P-16 respectively.

Learned counsel for the petitioner argues that late husband of

the petitioner, namely, Sh. Balwant Rai Gupta was similarly situated as Hardev Singh and Amarjit Singh Mand and, therefore, he is entitled for the revision of his pay w.e.f. 01.01.2006, hence, a direction be issued to the respondents to grant the said benefit of revision of the pay scale to late Sh. Balwant Rai Gupta as well as consequent revise his pension/family pension from the date of the death of Sh. Balwant Rai Gupta.

Learned counsel for the petitioner submits that for the relief which has been claimed in the present writ petition, petitioner has already approached the respondents with a legal notice dated 14.01.2018 (Annexure P-5), which is still pending consideration with the respondents and petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 as well as respondent No. 4 to decide the same by passing an appropriate speaking order in accordance with law.

Notice of motion.

Mr. T.P.S. Chawla, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel submits that keeping in view the prayer of the petitioner, appropriate order on the legal notice dated 14.01.2018 (Annexure P-5) will be passed by respondent No. 2 in a time bound manner.

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. 2 as well as respondent No. 4 are directed to decide the legal notice dated 14.01.2018 (Annexure P-5) by passing a speaking order within a period of three months. 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.

Present writ petition stands disposed of.

September 04, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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