

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15230-2020 (O&M)
Date of decision: 07.10.2020

Tej Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K. Goklaney, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

On 24.09.2020, the following order was passed by this Court:-

“Heard learned counsel for the petitioner.

Learned counsel for the petitioner has drawn the attention of the Court to the order passed by the Director-cum-Special Secretary, Food Civil Supplies and Consumer Affairs Department, Punjab, dated 08.06.2020 operative part whereof reads as under:-

“Keeping in view the order passed by the Hon'ble Court, as informed earlier that the department through District Controller, Moga vide his letter No. Estt.(CC)- 2019/5524 dated 11.10.2019 and letter No.EStt.-(CC)- 2020/1017 dated 26.2.2020, while sending the reply to the legal notice, has clarified the complete position to the advocate of the petitioner. I being competent

authority ordered that after withdrawing the amount of Rs.2,44,068/- of the gratuity, which is liable to be paid to the heirs of the deceased, be adjusted against the amount of Rs.16,31,569/- which is to be recoverable from him. Whereas after adjusting the amount of gratuity, question of remaining confirmed recovery of Rs.13,87,501/-, order is hereby issued to the concerned District Controller, Moga, in case Tej Kaur (Petitioner) wife of the deceased, after executing the affidavit from the Executive Magistrate, is ready to adjust 40% cut in her pension, then balance amount of 60% of monthly pension be released. In case Tej Kaur (Petitioner) wife of the deceased does not agree with the offer of the department then District Controller, Moga, is hereby directed while sending the case of the petitioner to the Accountant General, Punjab, Chandigarh, her family pension be released immediately and the amount which is liable to be recovered, after getting directions from the Head Office from the concerned Feeding Department, recovery may be effected by filing civil suit against Tej Kaur (Petitioner).”

Learned counsel for the petitioner contends that in spite of directions being issued, the family pension has not been released to the petitioner, on account of the fact that certain amount was due from her late husband.

Learned counsel for the State prays for some time to seek complete instructions and assist the Court.

Adjourned to 07.10.2020.”

Mr. Navdeep Chhabra, DAG, Punjab, has forwarded on the official email of this court a communication sent by District Food and

Supplies Controller, Moga dated 07.10.2020, stating that the petitioner is required to file an affidavit stating that she is the only living wife of late Sh. Pal Singh alongwith the details of the dependents and she is required to sign the pensionary documents. As soon as these requirements are fulfilled, her family pension case shall be forwarded to the Accountant General, Punjab, Chandigarh, for release of 100% family pension.

Keeping in view the aforesaid communication, Mr. P.K. Goklaney, learned counsel for the petitioner prays for permission to withdraw the petition. However, he states that the petitioner would visit the office of the District Food and Supplies Controller, Moga at 10:00 am on 12.10.2020 and comply with the requirements. Hence release of pension be made time-bound

Keeping in view the aforesaid position, the present petition is dismissed as withdrawn. However, the respondent-District Food and Supplies Controller, is directed to process the papers within 10 days from the date the petitioner complies with the requirement.

07.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No