

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

(225)

CWP No. 14543 of 2018

Date of Decision : 26.02.2020

Sarojni Chanana

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.S. Sidhu, Advocate for the petitioner.

Ms. Anju Arora, Assistant Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that after the death of her husband, petitioner is entitled for the grant of family pension, which claim has been declined by the respondents vide impugned order dated 25.01.2018 (Annexure P-9). The prayer of the petitioner in the present writ petition is that after the death of her husband on 22.11.2012, she be paid the family pension alongwith arrears.

Learned counsel for the respondents argues that though, after the retirement, late husband of the petitioner was being granted provisional pension but the said provisional pension was stopped by the respondents on 08.08.2011 (Annexure P-2) and, therefore, once the pension of the late husband of the petitioner was withdrawn, grant of family pension to the

petitioner does not arise.

Learned counsel for the petitioner states that against the order withdrawing the pension from the late husband of the petitioner, late husband of the petitioner had filed an appeal before respondent No. 1 on 23.08.2011 (Annexure P-3) raising concerns/objections with regard to withdrawal of his pension including the objection that order causing prejudice to the petitioner was passed without following the rules of natural justice.

Learned counsel for the petitioner further states that filing of the said appeal has been admitted by the respondents in their reply but no decision has been taken so far on the said plea that pension was withdrawn by the respondents from the late husband of the petitioner without giving any opportunity of hearing and without following the prescribed procedure as envisaged under Rule 2.2 of the Punjab Civil Services Rules.

Faced with this situation, learned counsel for the respondents submits that the appeal dated 23.08.2011 (Annexure P-3) will be decided by respondent No. 1 within a period of three months from the receipt of certified copy of this order by passing appropriate speaking order. She further states that the order in appeal will be passed keeping in view the provisions of Rule 2.2 of the Punjab Civil Services Rules and the judgment of this Court in CWP No. 13733 of 2011 titled as ***Savitri Devi Vs. State of Punjab and others***, decided on 25.03.2013, which according to the petitioner, covers her case. The order passed in the appeal dated 23.08.2011 (Annexure P-3) will be conveyed to the petitioner within a period of 15 days of passing of the said order.

Learned counsel for the petitioner states that in view of the statement of learned counsel for the respondents, petitioner does not press this writ petition any further at this stage but he prays for liberty to approach this Court, in case any order causing prejudice to the petitioner is passed in the appeal.

The present writ petition is disposed of having been not pressed, at this stage, with liberty as prayed for by learned counsel for the petitioner.

It is made clear that respondents will be bound by the statements recorded above.

February 26, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *Yes*