

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

112

**CWP No.19056 of 2020
Decided on : 11.11.2020**

Smt. Surinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. P.C. Arora, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus directing the respondents No.1 & 2 to revise the family pension and other admissible benefits to the petitioner in accordance with Rule 6.17-A of Punjab Civil Services Rules (Annexure P-1), after fixing the pay of deceased husband of the petitioner in the revised pay scale from 01.01.2006 (Annexure P-2). Further payment of arrears becoming due on this account are sought, as she is being paid family pension at un-revised rates and other entitled benefits as per rules from the date of death of her husband i.e. 13.01.2006 which are not being paid.

Further directions are also sought to make payment of GIS, GPF and leave encashment which the petitioner was entitled to get after the death of her husband with accrued interest thereon, till the date of payment.

Counsel for the petitioner has submitted that the petitioner's husband was working as Warder and had died on 13.01.2006. She was granted the pension vide the pension payment order dated 05.11.2007 (Annexure P-7). It is the case of the petitioner that the pay of deceased employee was required to be fixed in accordance with Punjab Civil Services (Revised Pension) Rules, 2009 from 01.01.2006, but the same had not been done, which has led to the petitioner drawing lesser pension.

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112

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-2-

The grouse of the petitioner as such also has been summarized in the legal notice dated 23.08.2019 (Annexure P-6), wherein claim for payment of Rs.19,245/- and leave encashment is also claimed, part from amounts of GPF and GIS, which is stated to have been released. Counsel, accordingly, submits that he would be satisfied if the said legal notice is decided by the competent authority, within a fixed time frame.

Notice of motion.

Mr. APS Gill, AAG, Punjab accepts notice on behalf of respondents No.1 to 5.

Keeping in view the fact that the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, without commenting upon the merits of the case and the entitlement as such of the petitioner, the present writ petition is disposed off with the direction to respondents No.2 and 3/competent authority to decide the legal notice dated 23.08.2019 (Annexure P-6) of the petitioner within a period of 3 months from the date of receipt of the certified copy of this order. In case, the said claims are found admissible, the amounts be paid thereafter within a period of 2 months. In case, the relief is not admissible and the amount is not liable to be paid, reasoned order be passed and communicated to the petitioner forthwith.

Disposed off.

**(G.S. SANDHAWALIA)
JUDGE**

NOVEMBER 11, 2020

Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No