

S.No.116

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

CWP No.18865 of 2020 (O&M)

Date of Decision:09.11.2020

Jasjit Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. G.S. Chahal, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to re-fix the family pension of the petitioner/ husband of the petitioner by implementing the judgment dated 20.05.2013 passed by Hon'ble Court in CWP No.16446 of 2010.

It is submitted by learned counsel for the petitioner that in a similar case, this Court has already delivered a judgment dated 20.05.2013, at Annexure P.6 passed in CWP No.16446 of 2010. That judgment has even been implemented qua the similarly situated employees. However, since the husband of the petitioner had already expired, therefore, the said benefit has not been extended to him so far. As a result, the family pension amount of the petitioner has been adversely affected. The petitioner has already served a legal notice upon the respondents. However, no decision has been taken by the respondents on the said legal notice. It is further submitted that at this stage, the petitioner would be satisfied if the respondents are directed to

consider the legal notice at Annexure P.7 in view of the above said judgment and to take a conscious decision thereon; within time bound manner.

Notice of motion.

Ms. Akshita Chauhan, AAG, Punjab, accepts notice on behalf of the State.

It is also submitted by counsel for the State that the state authorities are not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present petition is disposed of with a direction to the respondents to consider the legal notice at Annexure P.7 in view of the above said judgment of this Court and to take a conscious decision thereon; within a period of six months from the date of receipt of certified copy of this order. It is further ordered that in case the petitioner is found entitled to some financial benefits on the above said consideration, then the amount of such benefit shall be released to the petitioner within a further period of two months from the date of such a conscious decision.

Disposed of with above directions.

November 09, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No