

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7385 of 2016

Date of decision: 04.03.2020

Paramjit Kaur

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Khurana, Advocate
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim of the petitioner is for the grant of family pension after the death of her late husband Jaspal Singh, Constable No.1432,/Faridkot, who unfortunately died on 17.04.1986.

On the last date of hearing, following order was passed:-

“On 20.09.2019, the respondents had sought time to consider the case of the petitioner as to whether she will be entitled for the grant of family pension under the Family Pension Scheme, 1964, as the late husband of the petitioner was in service from 30.12.1980 till he unfortunately died on 17.04.1986 and had more than one year service to his credit, which is required for the grant of pensionary benefits under 1964 Scheme.

Additional affidavit dated 13.12.2019, filed on behalf of respondents No.1 to 4, is totally silent on this aspect and only reproduces the history, which was neither required nor asked by this Court. The said affidavit is filed without due application of mind and without going

through the order, which was passed by this Court, which is very unfortunate.

Learned counsel for the respondents seeks another opportunity to file a better affidavit stating, as to whether, keeping in view the facts and circumstances of this case and the provisions of Family Pension Scheme, 1964, petitioner will be entitled for the grant of family pension or not.

Adjourned to 04.03.2020.

Let the said affidavit be filed a week before the next date of hearing positively.

Today, an additional affidavit on behalf of respondents No.1 to 4 has been filed in the Court, wherein, respondents have admitted that petitioner is entitled for the release of family pension in respect of the services rendered by her late husband.

Learned counsel for the respondents, keeping in view the averments made in the affidavit dated 02.03.2020 filed by Superintendent of Police, (Headquarters), Faridkot states that as the claim of the petitioner for the release of family pension is allowed by the competent authority, hence, the consequential benefits, for which the petitioner has become entitled for alongwith arrears will be finalised within a period of three months from the date of receipt of certified copy of this order and the benefits, for which the petitioner will be found entitled will be released to her.

Respondents are allowed three months time as prayed by them to release the family pension alongwith arrears to the petitioner. As the respondents themselves found the petitioner eligible for the said benefits after reconsideration of her case, thus, it is clear that the petitioner was denied the legitimate right of family pension, for which, she was entitled after the death of her husband in the year 1986, therefore, the respondents are directed that while releasing family pension to the petitioner, her claim for the grant of

interest on arrears will also be considered. In case, the delay in the release of the family pension is attributable to the respondents, petitioner be granted the benefit of interest on the delayed release of the family pension.

Keeping in view the above, respondents are directed to release the family pension of the petitioner within a period of three months from the date of receipt of certified copy of this order as undertaken by them. Respondents are also directed to pass an appropriate order with regard to the claim of the petitioner for the grant of interest on the arrears of pension within the above mentioned time frame.

The writ petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

04.03.2020.
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |