
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3600 of 2021

Date of decision:16.02.2021

Kulwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

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

G.S. Sandhawalia, J. (Oral)

In the present petition, filed under Articles 226/227 of the Constitution of India, the petitioner seeks directions to the respondents for grant of family pension, gratuity and other benefits admissible under the Civil Services Rules. Counsel for the petitioner submits that the petitioner would be satisfied if legal action is taken in the matter by the respondents in a time bound manner.

It is the grouse of the petitioner that she is the widow of late Interjit Singh, who was recruited as SPO on 20.01.1993 (Annexure P-1) by the Superintendent of Police Headquarters, Hoshiarpur. Thereafter, he was enlisted as Temporary Constable with effect from 14.12.2004 (Annexure P-2) by the Commandant, 80th Battalion, PAP, District Jalandhar. However, he expired on 24.02.2011 and resultantly, his name was struck off on 03.03.2011 (Annexure P-4) by respondent no.3.

It is the positive case of the petitioner that if the past services rendered by her husband as SPO is combined with his regular service as

Constable, then she would be entitled for pension. Reliance has been placed upon

the judgment rendered by this Court in CWP No.11802 of 2008 titled as **“Paramjit Kaur vs. The State of Punjab & Ors.” (Annexure P-5)** whereby the benefit of pension had been denied on the ground that the New Contributory Pension Scheme had come into force. That writ petition was allowed by placing reliance upon a decision rendered by this Court in CWP No.24472 of 2015 (**Constable Rajesh Kumar & ors. v. State of Punjab & anr.**), decided on January 7, 2016, and also the judgment of the Division Bench rendered in **Harbans Lal vs. State of Punjab and Ors.**

Thus, the present petition is disposed of with a direction to respondent no.3 to decide the representation (Annexure P-6) of the petitioner keeping in view the background which has been noticed above. In case, the relief is not admissible, a well reasoned order be passed and communicated to the petitioner within a period of three months from today. In case the amount is found payable, the same be disbursed immediately thereafter within a period of two months.

February 16, 2021
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No