

Sr.No.108

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

CWP No.4861 of 2021

Date of decision:02.03.2021

Parwinder Kaur

... Petitioner(s)

versus

The State of Punjab and others

... Respondent(s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. G.P.Vashisht, Advocate
for the petitioner.

Jasgurpreet Singh Puri, J.(Oral)

Learned counsel for the petitioner has submitted that husband of the petitioner was serving as constable and he had died by jumping in canal for the purpose of saving girl from drowning and rather he himself got drowned by saving the girl. At that point of time, the body of the husband of the petitioner was not traced. Thereafter, petitioner had filed a suit for declaration which was decreed and death certificate was thereafter, issued vide Annexure P-1. He has submitted that thereafter, she was paid leave encashment of Rs.36,000/- and provident fund of Rs.1,00,000/- but neither family pension has been fixed nor any retiral benefits have been granted to the petitioner. Learned counsel for the petitioner has further submitted that he had sent legal notice vide Annexure P-3 to the Senior Superintendent of Police, Patiala and to the Commandant, 5th Commando Battalion, Police

Line, Bathinda. Vide Annexure P-4 letter which has been written by Senior Superintendent of Police, Patiala to The Commandant, 5th Commando Battalion, Police Line, Bathinda it was stated therein that the matter pertains to the Commandant, Fifth Commando Battalion, Police Line, Bathinda (respondent No.4) but respondent No.4 has still not taken any action with regard to the claim made by the petitioner.

Learned counsel for the petitioner has submitted that he will be satisfied in case the present petition is disposed of with a direction to respondent No.4 to look into the matter and to decide the claim of the petitioner with regard to the family pension and other benefits permissible to the petitioner in accordance with law.

Notice of motion.

On asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the State and submits that State has no objection in case appropriate direction is issued at this stage for deciding the claim of the petitioner in accordance with law.

I have heard the learned counsel for the parties and am satisfied that at this stage even without calling for the reply from the respondents, necessary directions can be issued.

Consequently, it is directed that respondent No.4 shall decide the claim of the petitioner with regard to her family pension and all the other admissible benefits in accordance with law and to pass a speaking order within a period of four weeks from the date of receipt of order of this Court. Thereafter, a copy of the order shall also be supplied to the petitioner by way of a registered post. Needless to say that in case respondent No.4 comes to

the conclusion that benefits are to be given to the petitioner then the same shall be released to her within a period of three weeks thereafter, alongwith interest @8%per annum. Consequently, the present petition is hereby disposed of.

2nd March, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No