

128

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

CWP-4822-2022

Date of Decision: 10.03.2022

Kulwant Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdish Singh Mahal, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for the grant of full family pension to the petitioner by the respondents-Authorities.

Learned counsel for the petitioner argues that in the present case, the petitioner is being released 50% of the family pension, she is entitled for, on the ground that the petitioner is the second wife of the deceased. Learned counsel for the petitioner submits that the first wife of the deceased-husband had already died while he was in service and it is only thereafter that the present petitioner had married the deceased, therefore, once the first wife is not alive anymore, the position of grant of only 50% of the family pension is bad. Learned counsel for the petitioner further submits that even as per the settled principle of law as laid down by this Court in **CWP-6000-2016**, titled as ***“Daljit Singh Vs. State of Punjab and another”***, decided on 29.01.2020, 100% of the pension is to be paid in favour of the person who is alive. Learned counsel also submits that in view of the same

grievance, as raised by the petitioner in the present petition, the petitioner has already filed a legal notice dated 03.03.2021 (Annexure P-4), which is still pending consideration with the Department concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the said legal notice by passing an appropriate order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 03.03.2021 (Annexure P-4) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case, the present petition is disposed of with a direction to the respondents-Authorities to pass an appropriate speaking order on the legal notice dated 03.03.2021 (Annexure P-4), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for the relief, the same be also released in her favour within a period of next four weeks of passing of the said order on her legal notice dated 03.03.2021 (Annexure P-4).

10.03.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No