

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(268)

CWP-5559-2022

Date of Decision : April 20, 2022

Komal (minor) through her grandmother

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Devender S. Punia, Advocate, for the petitioner.

Mr. Raman Kumar Sharma, Additional Advocate General,
Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Reply on behalf of respondent No.2 has been filed in the Court today and the same is taken on record.

Present petition has been filed for quashing of the order dated 20.08.2021 (Annexure P-2) by which, respondent No.2 has restricted the arrears of pension to 38 months.

On 21.03.2022, following order was passed:-

“Learned counsel for the petitioner argues that firstly, in an arbitrary manner, the petitioner was declined the concession of benefit of family pension for which she was entitled, and now, though the same has been released in her favour but the arrears of family pension have only been restricted to 38 months, which is not at all permissible, as the family pension is the entitlement of the petitioner and the

petitioner, who is minor even as of now, is being forced to approach the Court again to get her dues.

Notice of motion.

On asking of the Court, Mr. Raman Kumar Sharma, Addl. A.G., Haryana accepts notice on behalf of respondents and seeks short adjournment to get instructions as to why full arrears of family pension have been declined to the petitioner.

Adjourned to 07.04.2022.”

Reply has been filed by respondent No.2 wherein, in paragraph 12, the following averments have been made:-

12. In reply to the para no. 12, it is submitted that the respondent no. 2 has passed the order dated 28.02.2021 as per judgments of the Hon'ble Punjab and Haryana High Court as mentioned in the aforesaid order dated 28.02.2021 and the judgment of the Hon'ble Supreme Court of India reported in 2003 (1) SCT 367 was not brought to the notice of the respondent.”

Learned counsel for the respondents submits that a fresh order will be passed within a period of two weeks from today and all the arrears for which the petitioner is found entitled for keeping in view the settled principle of law coupled with the facts of the present case, will be released to her within a period of next six weeks.

Keeping in view the fact that as per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, the pensionary benefits, which also include the family pension is to be released within a period of two months of becoming entitled for the same in case there is no impediment failing which, the employee gets interest on the delayed release of the benefits, the respondents while passing a fresh order will also take into consideration the

said judgment qua the claim of the petitioner for the grant of interest and appropriate order on the said aspect will also be passed.

Learned counsel for the petitioner submits that keeping in view the above, no further grievance of the petitioner survives in the present petition and the same may kindly be disposed of having been not pressed any further, at this stage.

Ordered accordingly.

April 20, 2022

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No