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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8366 of 2022
Date of decision : 25.04.2022

Naureen Farooqi

..... Petitioner

versus

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rahul Bhargava, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed for quashing of the order dated 05.08.2021 (Annexure P-5) whereby the claim the petitioner for the release of service benefits in respect of the service rendered by her late husband to her, has been rejected.

Learned counsel for the petitioner argues that the benefits such as leave encashment, gratuity, the commuted pension and the family pension have not been released to the petitioner by the respondent, despite the fact that the husband of the petitioner died on 16.06.2020. Learned counsel further argues that the legal notice which the petitioner has sent claiming the said benefits, have been replied to by the respondents vide letter dated 05.08.2021 (Annexure P-5), wherein it has been mentioned that the provisional pension cannot be converted into a family pension.

Learned counsel for the petitioner argues that the grant of provisional pension was only due to a pendency of the proceedings,

wherein, one increment granted to the late husband of the petitioner, was being withdrawn, which fact has nothing to do with the grant of family pension and the reply given by the respondents is totally arbitrary and illegal and is rather forcing a widow to approach this court to seek her family pension.

Notice of motion.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab, accepts notice on behalf of the State submits that appropriate order in respect of the release of the family pension of the petitioner will be passed within a period of two months from today and whatever the petitioner is found entitled for, will be released to her along with arrears. While, considering the claim for the grant of family pension, even the other service benefits, for which the petitioner is entitled for after the death of her husband, will also be released to her, in case the same have not been released so far and there is no impediment in the release of same, otherwise appropriate order will be passed on the said aspect.

Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the State no further grievance of the petitioner survives and the present petition may kindly be disposed of having been not pressed any further.

(HARSIMRAN SINGH SETHI)
JUDGE

25.04.2022

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Whether speaking/reasoned : Yes
Whether Reportable : No