

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

CWP-15053-2022

Date of decision : July 15, 2022

Sunita Mehra

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

LISA GILL, J.

Prayer as addressed in this writ petition reads as under:-

“ For issuance of a writ in the nature of certiorari quashing the impugned action of the respondents in not revising the pay of deceased husband of the petitioner, namely, Sh.Lalit Mohan and consequent revision of family pension after granting the benefit of ACP Scheme notified by the Punjab Govt. vide notification dated 03.11.2006 (Annexure P-4) as per law laid down by this Hon’ble High Court vide judgment dated 20.05.2013 (Annexure P-6) passed in CWP No.16446 of 2010 and the said judgment has been upheld by this Hon’ble High Court vide judgment dated 19.12.2014 (Annexure P-7) passed in LPA No.244 of 2014 and further upheld by the Hon’ble Supreme Court of India vide order dated 04.09.2015 (Annexure P-8) in SLP (C) No.26277 of 2015; and further for issuance of writ in the nature of mandamus directing the respondents to revise the pay of deceased husband of the petitioner, namely Sh.Lalit Mohan and consequent revision of family pension after granting the ACP benefit as per scheme dated 03.11.2006 (Annexure P-4) in terms of above referred judgment dated 20.05.2013

(Annexure P-6) passed by this Hon'ble High Court in CWP No.16446 of 2010 and further to release the arrears along with interest @ 18% per annum till the date of its actual realization; and also the relief as prayed for.”

It is submitted that petitioner's husband was serving the respondent – Department against regular sanctioned post of Junior Engineer. However, he unfortunately died while in service on 17.10.2011. Learned counsel relies upon judgment dated 04.09.2015 passed in SLP(C) No. 26277 of 2015 to substantiate the petitioner's case for revision of her husband's pay and consequent revision of family pension after grant of ACP benefit as per Scheme dated 03.11.2006.. It is further submitted that similarly situated employees as the petitioner's husband had approached this Court by way of filing CWP-26249-2016, which was disposed of on 19.12.2016 directing the respondents to consider their cases and decide the same by passing a speaking order. It is further submitted that in compliance thereof, necessary relief was afforded to the petitioners therein. However, respondents are not considering the case of petitioner in an absolutely unjustified manner. In this respect, representation dated 16.04.2022 (Annexure P9) has also been submitted by the petitioner seeking benefit qua her deceased husband but to no avail.

At this stage, learned counsel for the petitioner restricts the prayer for a decision on representation dated 16.04.2022 (Annexure P9), submitted by the petitioner, in a time bound manner.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab accepts notice on behalf of the respondents. Advance copy of writ petition stands supplied. Learned counsel for the respondents does not raise serious objection to the restricted prayer addressed.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction to the competent authority, to decide representation dated 16.04.2022 (Annexure P9) by passing a speaking order, within three months from the date of receipt of certified copy of this order. Amount, if any, found due to the petitioner be released within two months thereafter.

July 15, 2022
rts

(LISA GILL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No