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

**CWP-19461-2020 (O&M)
Date of Decision: 22.04.2022**

Paramjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranjan Lakhanpal, Advocate, and
Mr. Namit Sharma, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2512-CWP-2021:

For the reasons mentioned in the application, the same is allowed and the additional affidavit of the petitioner to the effect that children of Late Jasvir Singh's first wife are above 25 years of age is taken on record, subject to all just exceptions.

CWP-19461-2020:

In the present petition, prayer of the petitioner is that the family pension of Late Jasvir Singh was initially divided 50% each between the children of her deceased husband, namely Jasvir Singh, through his first wife and the petitioner, to whom the Late Jasvir Singh married after the death of his first wife.

Learned counsel for the petitioner submits that the children of the first wife of Late Jasvir Singh have already become ineligible for the grant of family pension as they have crossed the age of 25 years, and therefore, the petitioner, being the sole surviving claimant of the complete

family pension, is entitled for the grant of 100% family pension, which is not being extended in her favour by the respondent-Department and that too without any valid justification.

Learned counsel for the petitioner submits that keeping in view the settled principle of law as laid down by this Court in **CWP-20374-2017** with **CWP-16190-2019**, titled as “*Jaspal Kaur and others Vs. State of Punjab and others*”, decided on 11.02.2020, according to which, when there is a sole surviving claimant of the family pension, he/she is entitled for the grant of 100% family pension and the same cannot be fortified.

Learned counsel for the petitioner further submits that the petitioner has also raised the same grievance before respondent No.2 by serving representation (Annexure P-4), which is still pending consideration with the authorities concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.2 to decide the said representation (Annexure P-4), by passing an appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, keeping in view the advance service of the copy of 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 representation (Annexure P-4) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the representation (Annexure P-4), this petition is disposed of with a direction to the respondent No.2 to pass an appropriate

speaking order on the representation (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 any benefit, the same be also released in her favour within a period of four weeks thereafter.

22.04.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

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