

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP No. 22195 of 2021

Date of Decision : 24.03.2022

Mukesh @ Mukesh Devi

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sawan Chaudhary, Advocate for the petitioner.

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

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance, which is being raised by the petitioner is that though, after the death of her husband, namely, Kashmiri Lal, who was working with the Education Department, Government of Haryana, she was granted the family pension but the family pension has been stopped without any valid justification.

Learned counsel for the petitioner submits that prior to the marriage of the petitioner with Kashmiri Lal, the said Kashmiri Lal was married to one Smt. Chameli, who had unfortunately died on 11.03.2008 and it is after the death of the first wife, the petitioner married Kashmiri Lal. Learned counsel submits that though, the family pension was extended to the petitioner but, the children of Kashmiri Lal from the first marriage have

filed a petition under Section 372 of Indian Succession Act, 1925 for

issuing succession certificate, which is pending and only due to the pendency of the said petition, family pension of the petitioner has been stopped, which is arbitrary and illegal. Learned counsel for the petitioner further submits that no succession certificate is needed for the grant of family pension and in the present case, the family pension had already been granted to the petitioner, which has now been stopped and that too without any jurisdiction. The prayer of the petitioner is for issuing direction to the respondents to release the family pension admissible to her forthwith.

Learned counsel for the petitioner submits that for the relief, which has been claimed in the present writ petition, the petitioner has served upon the respondents a legal notice dated 15.07.2021 (Annexure P-7), which is still pending consideration with the respondents and petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same by passing appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, learned Addl. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 15.07.2021 (Annexure P-7) in a time bound manner by passing an appropriate speaking order.

In view of the prayer of the petitioner, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 is directed to decide the legal notice dated 15.07.2021 (Annexure P-7) by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

It is made clear that while passing an order on the legal notice, all the persons, who are likely to be affected by the outcome of the said legal notice, be heard.

Present writ petition stands disposed of.

March 24, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No