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

CWP-3133-2016

Date of Decision: 03.08.2022

Renu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Singal, Advocate,
for the petitioner.

Mr. R.S. Budhwar, Additional A.G., Haryana.

Mr. Kapil Kakkar, Advocate,
for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present petition, grievance of the petitioner is that she is entitled for the grant of family pension after the death of her mother, who unfortunately died on 18.05.2006, but the said benefit has not been released to her by the respondent-Department for the period 19.05.2006 to 30.06.2009, even though the petitioner has been held entitled for the grant of family pension, in respect of the services rendered by her late mother, namely Yashwanti Devi, with the respondent-Department later on.

Learned counsel for the petitioner submits that despite the grant of family pension, which was being paid to the petitioner starting from the year 2009, once again starting from 18.05.2013, the family pension has been stopped by the respondent-Department on the ground that the petitioner did

not submit the Life Certificate with the Bank or even did not certify that she had not got married.

Learned counsel for the petitioner further submits that prayer of the petitioner in the present petition is for the release of arrears of family pension in her favour, starting from 19.05.2006 till 30.06.2009 as well as from 18.05.2013 till her entitlement.

After notice of motion, the respondents have filed the reply, wherein they have not disputed the fact that the petitioner was found eligible for the grant of family pension to her after the death of her mother, but the said benefit could not be released to her, w.e.f. 19.05.2006 to 30.06.2009, due to the fact that there was some technical problem in the computer of the Department concerned. With regard to stopping of the family pension since 19.05.2013 by the respondent-Department, the respondents have mentioned that as the petitioner failed to submit the Life Certificate or to certify that she had not got married, so as to continue her entitlement for the grant of family pension to her, the said benefit was stopped by the respondent-Department.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to give the adequate documents, which are required for restoration of the benefit of family pension to her by the respondent-Department, if found entitled for.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded fact that even as per the respondents, the petitioner was entitled for the grant of family pension starting from 19.05.2006 onwards. It is also a conceded fact that arrears of family pension

has not been paid to the petitioner, w.e.f. 19.05.2006 to 30.06.2009, by the respondent-Department. That being so, the respondents are directed to release the said arrears within a period of two months from the date of receipt of the copy of this order.

With regard to the release of the family pension, which has been stopped by the respondent-Department, commencing from 19.05.2013, the petitioner is directed to submit the requisite documents, so as to show her entitlement to receive the said benefit of family pension.

In case, any application, accompanying with the requisite documents, is submitted by the petitioner with the respondents, so as to claim that she is entitled to continue getting the grant of benefit of the family pension from the date it was stopped, appropriate order on the said application be passed by the authorities concerned within a period of eight weeks from the date of receipt of such application and after the decision, in case the petitioner is found entitled for the grant of the benefit of family pension, the same be also released in her favour within a period of four weeks thereafter.

Disposed of in the above terms.

03.08.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

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