

125
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1234-2023 (O&M)
Date of Decision: 23.01.2023

Smt. Pritam Kaur

....Petitioner(s)

Versus

The Secretary to Govt. of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukesh Arora, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondents to refix the family pension including NPA as admissible in the revised pay scale to the petitioner on the basis of judgment of this Court in CWP No.28518 of 2013, CWP No.9908 of 2013, CWP No.14232 of 2013 and CWP No.20865 of 2015 which were decided in favour of similar retirees.

Learned counsel for the petitioner has submitted that the petitioner is a 90 years old lady and she is aggrieved by the action of the State in not refixing the family pension by including NPA which was admissible in the revised pay scale and in this regard, the case of the petitioner is rather identical with the other retirees who were granted NPA in the aforesaid writ petitions (Annexure P-1). While referring to the aforesaid Annexure, he submitted that in the aforesaid judgment it has also

been observed and ordered that the same benefit shall also be extended to the other similarly situated employees, who may not have approached this Court. The said judgment was passed in the year 2017 and till date, the present petitioner who is 90 years old lady has been compelled to file the present petition. He submitted that the petitioner had issued a legal notice to the respondents vide Annexure P-7 on 02.01.2021 but neither any reply has been filed to the legal notice nor relief has been granted to the petitioner despite the fact that there were positive directions by this Court in the aforesaid Annexure P-1. He submitted that he will be satisfied in case the legal notice (Annexure P-7) is considered and decided by the respondents in accordance with law and as per the aforesaid Annexure P-1 within time frame work, so that the grievance of the petitioner can be redressed.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab. accepts notice on behalf of the respondents and states that in view of the aforesaid position, she has no objection in case the legal notice given by the petitioner vide Annexure P-7 is considered and decided by the respondents in accordance with law within time frame work.

I have heard the learned counsel for the parties.

It is a case where the petitioner is a lady of the age of 90 years and she has been compelled to approach this Court by filing a writ petition since her legal notice has not been considered and replied for last two years. A perusal of the judgment(Annexure P-1) would show that in that judgment the relief was not only granted to the petitioners of that case but it was also ordered that the same benefits shall also be extended to the other

similarly situated employees who may not have approached this Court. The aforesaid judgment was passed in the year 2017 and as per the learned counsel for the petitioner, the petitioner is at parity with the aforesaid retirees who were granted relief by this Court vide Annexure P-1. The petitioner has sent a legal notice vide Annexure P-7 about 2 years ago but the same has neither been replied nor any action has been taken as per the learned counsel for the petitioner.

In view of the aforesaid position, respondent No.2 is hereby directed to consider and decide the legal notice of the petitioner Annexure P-7 and to pass a well reasoned speaking order after considering the aforesaid judgment (Annexure P-1). The said order shall be passed by respondent No.2 within a period of four weeks from today and in accordance with law. The aforesaid period of four weeks has been fixed by this Court in view of the fact that the petitioner is a lady of the age of 90 years. In case the petitioner is found to be entitled for the aforesaid relief which is being claimed by the petitioner who is stated to be at parity with the other retirees who have been granted relief by this Court vide Annexure P-1, then the amount shall be calculated immediately by respondent No.2 and shall be paid to the petitioner within a period of next four weeks alongwith interest @ 6% per annum.

The present petition stands disposed of accordingly.

23.01.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No