

CWP-12996-2006

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

107

CWP-12996-2006

Date of Decision: 18.12.2023

Prabal Kirtika

...Petitioner

Versus

State Bank of Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manu K. Bhandari, Advocate and
Mr. Rohit Kataria, Advocate for the petitioner
Mr. Vikas Chatrath, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 12.02.2003 (Annexure P-21) passed by respondent No.3 whereby husband of the petitioner was removed from service with superannuation benefits.

2. The husband of the petitioner was working with respondent-bank who came to be removed from service vide order dated 12.02.2003 with superannuation benefits. The husband of the petitioner unsuccessfully preferred appeal as well as revision. He passed away on 14.04.2005. The petitioner being wife of the deceased employee is claiming family pension on the ground that her husband was removed from service with superannuation benefits, thus, she is entitled to family pension.

3. Mr. Manu K. Bhandari, Advocate relies upon judgment of Hon'ble Supreme Court in *Bank of Baroda v. S.K. Kool (D) Through LRs*

and another, 2014(2) SCC 715 and judgment of this Court in *Hardial Singh v. Bank of Baroda, 2012(3) PLR 250* which has been upheld by Division Bench of this Court vide order dated 17.09.2014 in *Bank of Baroda and others v. Hardial Singh and another, LPA No.1059 of 2012*.

4. Mr. Vikas Chatrath, learned counsel for the respondent expressed his inability to controvert applicability of aforesaid judgments to the facts of present case, however, he submits that petitioner was extended benefit of compassionate allowance which needs to be adjusted against retiral dues, if any, assessed on account of order passed by this Court.

5. In the wake of statement of both sides and considering the judgment of Supreme Court in *S.K. Kool (supra)* and judgment of this Court in *Hardial Singh (supra)*, the present petition stands disposed of with a direction to the respondents to decide claim of the petitioner qua family pension within two months from today. The competent authority would consider afore-cited judgments while deciding claim of the petitioner. The respondent-bank would be at liberty to deduct compassionate allowance, if any, paid to the petitioner from the dues assessed. The petitioner would be entitled to interest @ 6% per annum on the arrears. It is further made clear that respondent-bank would release arrears as well as pension within one month from the date of passing order.

(JAGMOHAN BANSAL)
JUDGE

18.12.2023
Mohit Kumar

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