

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17972 of 2023
Date of decision : 21.08.2023

Savitri

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rajender Singh Malik, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the claim of the petitioner is that her husband had competed for the post of driver in the transport department in pursuance of advertisement dated 04.04.2003 and he was selected for the post in question on 30.07.2003 but he was not allowed to join till 22.07.2008, hence, the petitioner be granted the benefit of family pension under the old pension scheme by giving benefit of deemed ante dated seniority to her deceased husband.

As per averments made in the petition, the husband of the petitioner sought voluntarily retirement on account of his ill health and the said benefit was granted w.e.f. 01.03.2022 but because of his deteriorating health, he unfortunately died on 30.11.2022.

Learned counsel for the petitioner argues that this Court in **CWP No.18043 of 2018 titled as Hitesh Kumar & Ors vs. State of Haryana and Others,** decided on 18.11.2022 has held that in case the procedure for appointment was initiated prior to 01.01.2006, the employees are to be governed

under old pension scheme and hence the husband of the petitioner is entitled to be granted the benefit of pension under the old pension scheme.

Learned counsel for the petitioner submits that the grievance raised in the present petition has already been made through the legal notice dated 11.01.2023, copy of which has been appended as Annexure P-13 and the petitioner would be satisfied in case, time bound direction is given to the respondent to decide the same by passing appropriate speaking order.

Notice of motion.

Mr. Pankaj Middha, Addl. A.G. Haryana, accepts notice on behalf of respondents-State. He submits that in case any legal notice has been received in the office of the respondent and the same is pending consideration, it will be decided in accordance with law within a period of eight weeks by passing an appropriate speaking order.

Keeping in view the statement made by learned State counsel, learned counsel for the petitioner submits that the present petition may be disposed of as having been not pressed any further.

Ordered accordingly.

August 21, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No