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

CWP-17656-2022

Date of Decision: 13.02.2023

Kulwant Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* directing the respondents to release the 50% share of the family pension including all arrears in the name of petitioner on account of death of husband of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner was entitled for 50% share of family pension of her husband and regarding which even succession certificate application was also filed before the learned Civil Court from where it has been so adjudicated that the petitioner is entitled for succession of movable properties pertaining to 50% of her share. The said succession certificate has already attained finality

before the High Court and revision petition bearing CR-2340-2017 has also been adjudicated by this Court. He submitted that in view of the above, the petitioner is now entitled for the grant of 50% share of family pension which respondents are not releasing. He further submitted that the petitioner may be permitted to file a comprehensive detailed representation to respondent-competent authority by attaching all the judgments in this regard and has submitted that her limited prayer may be accepted that her comprehensive representation which she will file, may be considered in accordance with law and in accordance with the aforesaid judgment pertaining to succession certificate in a time bound manner.

Ms. Ambika Bedi, learned AAG, Punjab has submitted that in view of the aforesaid factual position, which has been stated by learned counsel for the petitioner, she has no objection in case the petitioner files a comprehensive representation to the competent authority supported by all the documents and the respondent-Authority will consider the same strictly in accordance with law and decide the same by passing a well-reasoned speaking order.

In view of the aforesaid position and submissions made by learned counsel for the parties, the present petition is hereby disposed of. The petitioner shall be at liberty to file a comprehensive representation supported by all the documents which according to her would entitle her for 50% share of family pension within a period of three weeks from today.

In the event of filing such comprehensive representation as stated by learned counsel for the petitioner, the same shall be considered and decided by the respondent-Authority in accordance with law and also

by considering the judgment pertaining to succession certificate within a period of two months thereafter by passing a well-reasoned speaking order.

13.02.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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