

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

222

CWP-22412-2016 (O&M)

Date of Decision : 11.09.2023

Phool Kaur

..... Petitioner

Versus

Union of India and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Somesh Gupta, Sr.Panel Counsel
for the respondent-UI.

JAGMOHAN BANSAL, J. (Oral)

1. Through instant petition under Articles 226/227 of Constitution of India, the petitioner who during the pendency of present petition has passed away is seeking setting aside of order dated 06.05.2015 and directions to the respondents to release dual pension as per circular dated 17.01.2013.

2. The husband of the petitioner was posted in Indian Army who post retirement in 1963 joined respondent-ITBP. The husband of the petitioner passed away in 1977. The petitioner was granted family pension by Indian Army and vide circular dated 17.01.2013, the respondent approved dual family pension scheme. In view of the circular, the petitioner applied for dual pension which came to be rejected vide impugned order dated 06.05.2015.

3. Learned counsel for the respondents submits that the petitioner, during the pendency of the petition, has passed away, thus, she is entitled to family pension, nonetheless, he expressed his inability to controvert the fact that deceased (petitioner) if as per rules was entitled, should be released pension in terms of circular dated 17.01.2013. He further submits that pension was not released on account of non-availability of documents indicating status of the petitioner as well as her husband.
4. Learned counsel for the petitioner concedes that LR's of the petitioner are not entitled to pension because they do not fall within the definition of dependent, however, he submits that petitioner died in 2020 and she was entitled to dual pension w.e.f. 17.01.2013 to till her death, thus, respondent is bound to pay family pension from 17.01.2013 to till date of death.
5. In the wake of statements of both sides, the petition stands disposed of with a direction to the respondent to consider claim of the petitioner for the period from 17.01.2013 to 21.05.2020. If the petitioner is found entitled to family pension for the said period, it be released to LR's in accordance with law. The LR's of the petitioner shall submit all the requisite documents within one month from today. Let the needful be done within 06 months from today.
6. Pending applications, if any, stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.09.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>