

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 25473 of 2015****Date of Decision: 20.04.2023**

Narinder Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Surmukh Singh, Advocate
for the petitioner(s).Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondent No.1 to 4.Mr. Sandeep Punchi, Advocate
for the respondent No.5.**Anil Kshetarpal, J.**

1. On 12.04.2023, the following order was passed:-

“The widow of late Sh.Tejinder Singh has invoked the extraordinary jurisdiction of this Court while praying for the issuance of a writ in the nature of Certiorari. Late Sh.Tejinder Singh served the State of Punjab for approximately 21 years as an Art & Craft Teacher. Subsequently, he was selected as a Subject Expert in the Punjab School Education Board in which he served for nearly 10 years. During his lifetime, he was stated to be drawing pension from the Government as well as from the Punjab School Education Board, however, on the opinion of the Advocate General, Punjab, the State of Punjab has stopped paying pension. The question is, “Whether the family pension payable to the petitioner is required to be calculated after counting the entire service of late Sh.Tejinder

Civil Writ Petition No. 25473 of 2015

Singh, including the State Government service as well as service under the Punjab School Education Board?

Learned State counsel prays for some time to examine the issue.

List on 20.04.2023, in the urgent list.”

2. The learned counsel representing the petitioner relies upon the judgment passed in *The Union Territory of Chandigarh and Another v. Jaswinder Kaur and Others 2017(1) SCT 193* and the order passed in *Mamta Goel and Others v. Panjab University and Another (Civil Writ Petition No. 35294 of 2019, decided on 24.02.2023)*.

3. The learned State counsel has failed to draw the attention of the Court to any view to the contrary.

4. It has been held by the Division Bench in *Jaswinder Singh's case (supra)* that although, the petitioner is entitled to one pension, however, the service rendered by the deceased husband of the petitioner with the State of Punjab shall be required to be counted for the purpose of calculating the family pension. At the first instance, the Punjab State Education Board will release the pension after counting the entire service of nearly 31 years and subsequently, the Board shall be entitled to claim reimbursement of the share of the State proportionately.

5. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

April 20, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**F.A.O. No. 5521 of 2017 (O&M)
And Other Connected Cases**

**2022:PHHC:173515
3**