

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25707-2016

Date of decision: 09.08.2023

Jaswinder Kaur

.....Petitioner

V/s

Punjab Mandi Board and others

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.S. Maanipur, Advocate and
Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. S.S. Rangi, Advocate
for the respondents No.1 and 2.

Mr. Vikas Arora, AAG Punjab

DEEPAK MANCHANDA J. (ORAL)

Present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the reply/letter dated 24.11.2016 (Annexure P-13) issued by the respondents, whereby the family pension to the petitioner has been denied on account of re-marriage with the real brother of deceased husband of the petitioner and with a further prayer for issuance of writ of mandamus, directing the respondents to release the family pension to the petitioner w.e.f. 19.11.1992 along with interest @ 9% per annum.

Learned counsel for the respondents submits that vide order dated 15.02.2023, they were directed to apprise this Court whether the present petitioner is covered by the judgment passed in ***CWP-7741-2007*** titled "***Smt.***

Balwant Kaur and another Vs. State of Punjab and another”, decided on 23.04.2008.

In this behalf, learned counsel submits that the case of the petitioner is not covered by the aforesaid judgment and the same is not applicable. He further submits that the present writ petition is premature and is not maintainable as no speaking order with regard to rejection of family pension to the petitioner has been passed till today and this petition has been filed for quashing of the reply/letter dated 24.11.2016 (Annexure P-13), which is not a formal rejection order.

Faced with this, learned counsel for the petitioner does not dispute the fact that no detailed speaking order has been passed with regard to claim of the petitioner till today but again submits that the case of the petitioner is squarely covered by the aforesaid judgment.

In view of the above, respondents are directed to pass a detailed speaking order on the legal notice dated 27.10.2016 (Annexure P-12) within two weeks from the date of receipt of certified copy of this order in accordance with law by affording the opportunity of personal hearing to the petitioner.

Disposed of.

09.08.2023

Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No