

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CWP-21290-2019

Date of Decision : August 08, 2023

Rakhi Devi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Yadav, Advocate, for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

Mr. Harneet S. Oberoi, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the parties concede that the issue as to whether, 50% share in the family pension will cease in case the claimant of the same becomes ineligible or the same will be diverted to the remaining legal heirs for the grant of pension, the said question of law has already been decided by the Division Bench of this Court in ***LPA No.1434 of 2014 titled as The State of Punjab and others vs. Harpal Kaur, decided on 01.09.2014.***

2. Learned counsel for the parties concede that in the present petition also, the same question of law has been raised and the present petition can also be disposed of in terms of the judgment in ***Harpal Kaur's case (supra).***

3. Keeping in view the agreement between the parties, the present petition is also disposed of in terms of the judgment in ***Harpal Kaur's case (supra)***.

4. The impugned orders dated 19.02.2019 (Annexure P-5) and 02.07.2019 (Annexure P-8) are set aside and the respondents are directed to grant the benefit of family pension to the petitioner keeping in view the judgment in ***Harpal Kaur's case (supra)***. It may be noticed that the forfeited family pension is to be diverted to the remaining eligible legal heirs from the date the same was forfeited by the respondents along with arrears.

August 08, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No