

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

248/2

CWP-23300-2018

Date of Decision:17.01.2023

GURDEEP KAUR

....Petitioner(s)

Versus

STATE BANK OF INDIA AND ANR

.....Respondent(s)

2)

CWP-17969-2016

RANJIT KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**Present: Mr. Jitender Singh Dadwal, Advocate,
for the petitioner in CWP-23300-2018.**

**Mr. Harpal Singh, Advocate, for
Mr. Peeush Gagneja, Advocate,
for the petitioner in CWP-17969-2016.**

Ms. Lavanya Paul, DAG, Punjab

**Mr. Roopak Bansal, Advocate,
for the respondent-SBI.**

JASGURPREET SINGH PURI, J. (Oral)

Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since the issue involved in both the petitions is common as to payment of family pension qua the deceased employee namely Harbans Singh.

CWP-23300 of 2018 has been filed by one Gurdeep Kaur seeking quashing of the order dated 19.12.2015 (Annexure P-3) vide which the family pension case of the petitioner after the death of her husband Harbans Singh has been rejected by respondent No.1-Bank.

CWP-17969 of 2016 has been filed by one Ranjit Kaur seeking a direction that the retirement-cum-service benefits (family pension etc.) be paid to the petitioner who is also stated to be the wife of the deceased Harbans Singh.

The facts which have come up in both the cases are that one Harbans Singh son of Shri Shamsher Singh was working as Head Warder in the Central Jail, Ferozepur and retired from the department of Prisons on 31.08.2012. Thereafter, he submitted all the documents pertaining to his pension. In the documents which he had submitted, he had mentioned the name of his family members to be Gurdeep Kaur (wife), Karamjeet Kaur (daughter), Davinder Kaur (daughter) and Jashandeep Singh (son). Similarly, nomination in the death-cum-gratuity form was also made which had shown the name of Gurdeep Kaur as his wife being a nominee. Consequently, the Accountant General, Punjab issued pension payment order on 29.04.2013 in favour of the deceased Harbans Singh and thereafter he had been drawing pension from the State Bank of India Ferozepur Branch till his death. After his death, the dispute arose between the aforesaid two Gurdeep Kaur and Ranjit Kaur and none of them were paid the family pension. However, the petitioner Gurdeep Kaur filed CWP-22245 of 2015 before this Court seeking a direction to the Bank to pay the family pension and this Court had disposed of that petition for considering and deciding the legal notice and directions were issued to the Bank to decide

the same. Thereafter, the Bank decided the legal notice vide the impugned order Annexure P-3 on 19.12.2015 and declined the prayer of Gurdeep Kaur on the ground that Ranjit Kaur had filed a petition under Section 125 of the Code of Criminal Procedure seeking maintenance from Harbans Singh and had also requested the bank not to release the family pension to Gurdeep Kaur and therefore the service benefits of late Harbans Singh including the family pension is not given to anybody till date.

Learned counsel appearing on behalf of the petitioner Gurdeep Kaur submitted that the competent authority to ascertain as to who is the person entitled for the family pension is the employer who is the State of Punjab, i.e. respondent No.2 and therefore the bank has got no authority to withhold the family pension of the petitioner.

Mr. Harpal Singh, learned counsel appearing on behalf of Mr. Peeush Gagneja, Advocate (petitioner in CWP-17969-2016) submitted that in fact Ranjit Kaur had filed a petition under Section 125 of the Code of Criminal Procedure and she is rather entitled for the grant of family pension.

Ms. Lavanya Paul, learned DAG, Punjab while referring to the affidavit filed by the State of Punjab through its Superintendent, Central Jail, Ferozepur submitted that the pension of the deceased Harbans Singh was already sanctioned and PPO was issued and thereafter the bank was to disburse the pension in accordance with the nomination papers which were sent by the State to the bank and in the nomination papers the name of petitioner Gurdeep Kaur has been mentioned.

Learned counsel appearing on behalf of the State Bank of India-respondent No.1 submitted that the prayer of petitioner Gurdeep Kaur has been

declined because Ranjit Kaur had challenged the same on the ground that she was entitled for the family pension.

I have heard the learned counsel for the parties.

The aforesaid Harbans Singh died on 29.12.2014 which is more than 8 years ago and the present petition was filed in the year 2018 which is almost more than 4 years ago and the claim for family pension has not been settled till date. Ordinarily the claim for at least family pension has to be settled as early as possible since it affects the livelihood as well as the rights under Article 21 of the Constitution of India apart from Article 300-A of the Constitution of India therefore such kind of matters cannot be kept pending for long time.

This Court is of the view that the competent authority in the present case was the head of the department in the State of Punjab. It is for the State to tell the bank as to in whose favour the family pension is to be released. Therefore, considering the aforesaid facts and circumstances, this Court is of the view that ends of justice will be met in case appropriate directions are issued to the competent authority i.e. State of Punjab to take a fresh decision with regard to as to under the rules who is entitled for the grant of family pension. The said decision shall be taken after hearing both the petitioners, i.e. Gurdeep Kaur and Ranjit Kaur and thereafter well reasoned speaking order shall be passed. After taking a decision, necessary directions shall be issued to the State Bank of India to release the family pension to the person who is entitled out of the aforesaid two petitioners.

Needless to say that when there is a delay in paying family pension then it has to be alongwith the entire arrears and interest at the rate of 6%.

Further, it is needless to mention that out of the aforesaid two petitioners whoever is aggrieved by the order passed by the competent authority as directed vide this order shall be at liberty to challenge the same before an appropriate forum and in accordance with law. Let the entire exercise be completed within a period of two months from today.

Both the petitions stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

January 17, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No