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

CWP-2350-2018
Date of Decision: 11.01.2023

SHAVETA SHARMA & ANR.

....Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LTD & ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Namita Talwar, Advocate, for
Mr. R.K. Arroa, Advocate, for the petitioners.

Mr. Sukhcharan Sra, Advocate for
Mr. Abhilaksh Grover, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Certiorari /Mandamus or any other writ, order or directions for quashing of the memo dated 15.01.2018 (Annexure P-11) whereby the claim for the grant of family pension has been declined to the petitioners.

Learned counsel appearing on behalf of the petitioners has submitted that the father of the petitioners namely Sh. Uggar Sain was working as Lineman on regular basis in the Erstwhile Punjab State Electricity Board (Now Punjab State Power Corporation Limited) and unfortunately he died on 30.01.2005. The mother of the petitioners had

predeceased her husband on 10.08.2001. The present petitioners were entitled for the grant of family pension but the same was wrongfully denied to the petitioners by way of issuance of memo dated 15.01.2018 vide Annexure P-11. She submitted that however during the pendency of the present petition the family pension of the petitioners has been granted and now arrears of salary has been paid to the petitioners in the year 2019. She submitted that the family pension of the petitioners has been wrongly denied by the respondents and they have themselves now granted the family pension and the petitioners are therefore entitled for the grant of interest on the arrears of payment which have been paid to them after a lapse of about 7 years. She has relied upon a Full Bench judgment of this Court in ***A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)*** in this regard. She submitted that the father of the petitioners had died in the year 2005 but as per the affidavit filed by the Corporation it has been calculated w.e.f. 2012.

Mr. Sukhcharan Sra, Advocate appearing on behalf of Mr. Abhilaksh Grover, Advocate for the respondents has submitted that a short affidavit has been filed by the Additional S.E, East Division Batala dated 07.01.2023 and while referring to the affidavit, he submitted that the arrears have now been paid to the petitioners on 31.03.2019 and 01.10.2019 and has submitted that he has sought instructions to state that the family pension has now been granted to the petitioners. He submitted that now the entire arrears have been paid to the petitioners which amounts to Rs. 18,06,412/- and no due is pending towards the respondents and therefore,

the present petition has become infructuous.

I have heard the learned counsel for the parties.

The prayer in the present petition was for grant of family pension to the petitioners on account of death of their father in the year 2005. As per the affidavit filed by the Corporation, the arrears have been paid to the petitioners from the period 2012 to 2019. Learned counsel for the Corporation has stated that the family pension has already been sanctioned to the petitioners. However, it appears that the father of the petitioners had died in the year 2005 but arrears have been given w.e.f. 2012 and secondly, as per the learned counsel for the parties, no interest has been given on the same.

In view of the aforesaid position, the present petition is disposed of with a direction to the respondent-Corporation to re-calculate the arrears of pension and all the other benefits in accordance with law considering the time from where the right accrues to the petitioners for grant of arrears and pass a speaking order with regard to the same within a period of one month from today.

It is further directed that on the entire amount of arrears an interest @ 6% p.a. shall be paid to the petitioners within a period of next one month.

11.01.2023

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No