

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

**CWP-16807-2023
Date of decision : 04.08.2023**

Surinder Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S.Sidhu, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner herein, who is widow of Lt.Sh.Harkewal Singh, who died while serving as Constable in Punjab Police on 12.02.2011 seeks issuance of directions to the respondents to grant family pension along with interest on account of death of her husband, who died in harness.
2. The learned counsel for the petitioner submits that her husband had initially been appointed as SPO on 29.03.1994 and his services were regularized on 28.02.2007. The petitioner has been declined the benefit of pension on the ground that all the employees, who had been appointed after one month 2004 were to be governed under the new pension scheme i.e. Contributory Pension Scheme. It has been submitted that as a matter of fact, the service rendered by petitioner's husband was to be treated as qualifying service and consequently it is the old pension scheme, which would be applicable in the present case. It has been submitted that the case of the petitioner is squarely covered by judgment dated 28.04.2022 (Annexure P-8) rendered by this Court in CWP-11464-2020, titled as "*Kuldeep Kaur Vs. State of Punjab and others*".

3.
- Notice of motion.
4.
- At this stage, Mr. Inderpreet Singh Kang, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State. He has submitted that the case of the petitioner shall be considered in accordance with law in light of latest pronouncements of this Court.
5.
- Having regard to the facts and circumstances of the case, but without commenting anything as regards the merits of the case, the instant petition is disposed of with a direction to respondents to consider and dispose of the legal notice(s)/representation dated 13.10.2020 and 19.05.2022 (Annexure P-7) in accordance with law expeditiously preferably within a period of 3 months from today. In case, it is found that the petitioner is entitled to family pension as per the old pension scheme, the entire benefits flowing from the same including the interest on account of delay shall be paid within a period of two months from taking such decision.
6.
- A copy of this order along with copy of legal notice(s)/representation dated 13.10.2020 and 19.05.2022 (Annexure P-7) be sent to respondents for necessary compliance.

(Gurvinder Singh Gill)
Judge

04.08.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No