

2023:PHHC:146836

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

(222)

CWP-27678-2017

Date of decision:- 20.11.2023.

Santra

...Petitioner

Versus

Municipal Corporation, Chandigarh and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ashok Sharma Nabhewala, Advocate
for the petitioner.

Dr. Anand Bishnoi, Advocate
for respondents-MC.

HARSH BUNGER, J. (Oral)

1. The petitioner has filed the instant petition for issuance of a writ of mandamus directing the respondents for counting of daily wage service of her husband (late Sh. Surat Singh) w.e.f 05.10.1999 to 24.06.2005 as qualifying service for the purpose of pension and pensionary benefits, thereafter regular service w.e.f 25.06.2005 to 17.08.2014, the total period is almost 15 years and release pension and pensionary benefits accordingly with interest keeping in view the instructions dated 22.03.2013 (Annexure P-1B).

2. At the outset, learned counsel for the petitioner submits that the petitioner would restrict her claim for grant of Family Pension and ex-gratia payments (if any admissible to her), on account of the fact that her husband was regularised in service on 24.06.2005 however he

unfortunately expired on 17.08.2014 while in service. It is stated that had petitioner's husband been alive and in service, then he would have attained the age of superannuation on 31.07.2028.

3. Per contra, the stand of the respondents-Municipal Corporation is that petitioner's husband namely Surat Singh during his lifetime, had got himself registered under New Pension Scheme and all the benefits accruing under the New Pension Scheme already stand released to the petitioner.

4. Learned counsel for the respondents-Municipal Corporation, in full cooperation submits that as regards the claim of the petitioner for grant of family pension and ex-gratia payments (if any admissible to her), no such claim has been made by the petitioner and in case the petitioner herein makes a detailed representation in that regard, then the Department/Concerned Authority would consider and decide the same by passing a Speaking Order thereon.

5. At this stage, learned counsel for the petitioner submits that he would not press the instant petition, however, he submits that an appropriate direction be issued to the respondents to take decision on the representation to be submitted by the petitioner, in a time bound manner.

6. In view of the statement made by the learned counsel for the petitioner, the present petition is dismissed as not pressed, however, the

CWP-27678-2017

petitioner shall be at liberty file a detailed representation to claim the benefit of Family Pension and Other benefits (if any admissible to her) within a period of three weeks from today. In case any such representation is made by the petitioner then the respondents/concerned authority shall decide the same within a period of four months thereafter, by passing a Speaking Order after affording an opportunity of hearing to the petitioner.

- 7. Needless to say that in case the petitioner is entitled to any benefit upon consideration of her claim, the same shall be released to her.
- 8. Disposed of in the aforestated terms.
- 9. All the pending applications, if any, shall stand closed.

(HARSH BUNGER)
JUDGE

20th November, 2023
spn

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