

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-22741-2020

Date of Decision: 15.03.2023

Surjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Bhagyashri, Advocate for
Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* for directing the official respondents to release the service benefits including Gratuity, Provident Fund, Leave Encashment, Group Insurance Scheme Funds, Family Pension, Death-cum-Retiral Benefits of deceased Jatinder Singh to the petitioner being the widow as well as the sole nominee of her husband as per the service records along with interest accrued thereon from the date of the amount become payable till actual payment @ 18% per annum.

Learned counsel for the petitioner has submitted that the petitioner is widow of one Jatinder Singh, who was working as Head Constable in the office of the Commissioner of Police, Amritsar and died during his service on 12.02.2017. He further submitted that after the death of

the husband of the petitioner in the year 2017 as aforesaid, she is entitled for grant of family pension and other pensionary benefits which were permissible to the husband of the petitioner. He also submitted that in fact a civil litigation arose between the petitioner and her mother-in-law and the same was decided in favour of the petitioner. Thereafter, mother-in-law of the petitioner filed an appeal, which is still pending but there is no interim order in the same. He further submitted that the petitioner being a widow and even the Civil Court decided decree in her favour and even otherwise also the petitioner is entitled for pensionary benefits but the same was not granted to the petitioner, and therefore, the action of the respondent/State was arbitrary.

On the other hand, Mr. Sandeep Chopra, learned DAG, Punjab, while referring to the reply filed by the State, submitted that after the decision of the Civil Court and in view of the fact that even in the appeal filed by the mother-in-law of the petitioner, no stay was granted by the Appellate Court, the State of Punjab has already sanctioned family pension to the petitioner and has already forwarded the same to the Accountant General, Punjab on 14.05.2020, but the Accountant General has not paid the same.

I have heard the learned counsel for the parties.

It is a case where the petitioner is a widow of one Jatinder Singh, who died during his service on 12.02.2017. Even the civil litigation between the petitioner and her mother-in-law was decided by the Civil Court in favour of the petitioner. The learned State counsel has submitted while referring to Para 3 of the reply that on 14.05.2020, the case of the family

pension of the petitioner has already been forwarded to the Accountant General, Punjab. Therefore, in another words, the State has already accepted that the petitioner is entitled for grant of family pension but it appears that due to some procedural irregularities that the Accountant General may not have disbursed the family pension to the petitioner. The Accountant General and the District Treasury Officer are also respondent Nos.4 & 5, respectively, in the present petition but they have not chosen to file reply till date. Therefore, in view of the aforesaid facts and circumstances where the State of Punjab itself has granted sanction for the payment of family pension to the petitioner, the petitioner shall be entitled for the same.

Consequently, the present petition is allowed. The respondents are directed to pay the family pension and other admissible pensionary/retiral benefits to the petitioner within a period of two months from today along with interest @ 6% per annum from the date of sanction given by the Government.

15.03.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |