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2023:PHHC:144256

CWP-25574-2023
Date of decision: 14.11.2023

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the family pension, for the service rendered by her husband, as the petitioner is fully eligible and entitled for the release of family pension in view of the instructions issued by the Government from time to time and further for the release of interest @ 9% from the date when it became due till its realization.

Learned counsel for the petitioner contends that the husband of the petitioner namely, Satyavan son of Mohru Ram joined Punjab Water Supply and Sewerage Board, Sub Division Fazilka, District Fazilka on 16.07.1997 and his services were regularized by the Board on 19.09.2001. The entire staff working against maintenance were transferred in Municipal Council, Fazilka on 01.02.2004 and the services of the husband of the petitioner were also transferred in the aforesaid department. Unfortunately, the husband of the petitioner died on

21.06.2004, when he was working as a regular employee of the Municipal Council, Fazilka. After the death of her husband, she was appointed in the Municipal Council, Fazilka against the post of Class-IV employee. The Government introduced the Punjab Municipal employees pension and General Provident Fund Rules, 1994 relating to the pensionary benefits of the employees of Municipal Councils. The colleagues of the husband of the petitioner have been granted the regular pension along with other pensionary benefits by counting the entire service, which he was rendered in Sewerage Board. He further contends that the petitioner is fully eligible and entitled for the release of family pension and other pensionary benefits in view of the Rules for the services which he rendered with the department, being a legally wedded wife. Further, the petitioner is also fully eligible and entitled for the release of interest @9% from the date when it became due, till its realization. Learned counsel submits that the petitioner has also served a legal notice dated 25.09.2023 (Annexure P-1) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1, 2 & 4 and Mr. Sanjeev Soni, Advocate who is also present in the Court, accepts notice on behalf of respondents No.3, 5 & 6 and they do not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in

decide the aforesaid legal notice by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to the petitioner within a period of 8 weeks thereafter.

The petition stands disposed of.

14.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No