

-1-

CWP-13254-1999 (O&M)
Date of decision: 29.08.2024

...PETITIONER

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. K.S.Kharbanda, Advocate for the respondents.

NAMIT KUMAR ,J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, claiming the following reliefs:-

"i) xxx xxx xxx xxx

ii) issue a writ in the nature of certiorari, quashing the imugned Circular Memo No.91937/92887/LB6(6) General dated 10.06.1982 and Circular Memo No.127561/8661/LB6(6) General dated 23.06.1986 issued by PSEB being illegal and arbitrary.

iii) *issue a writ in the nature of Mandamus, directing the Respondents to release the Special Family Pension to the petitioner, to which she is duly entitled under the law."*

2. None has appeared on behalf of the petitioner on previous dates of hearing i.e. 27.03.2017 and 17.07.2024. Even today also, there is no representation on behalf of the petitioner.

3. In the written statement filed by the respondents, the following stand



"1. That all the pensionary benefits have been released to the petitioner which were due to her on account of death of her husband Sh. Gurmeet Singh. Petitioner has obtained Rs.2,77,439/-, the detail of which are as under:-

S. No.	Description	Sanctioning Authority	Amount received
1.	Leave encashment	D.C.E./Op. Sangrur O/o 183 dated 4.5.98	42,960.00
2.	Arrears of new pay scales	_____	22,602.00
3.	Death-cum-retirement gratuity	CAO/Pension/PTA No.14463 dated 11.6.99	85,550.00
4.	Pension upto 6/99	CAO/Pension/PTA No.14466 dated 11.06.99	41,792.00
5.	Final Payment of GPF	CAO/GPF/PTA. No. 4972 dated 21.4.99	71,797.00
6.	-do- (DLI)	CAO/GPF/PTA No. 4974 dated 21.4.99	10,000.00
7.	Revised Leave encashment	D.C.E./Op. Sangrur O/o 01 dated 3.1.2000	2,738.00
Total:			2,77,439.00

The petitioner is being paid family pension @ Rs.2950/- per month. Apart from this the family of the deceased Sh. Gurmeet Singh has also received compensation to the tune of Rs.6,00,000/- under the Motor Vehicle Act.

It is submitted that as per the Post Mortem Report of the husband of the petitioner Shri Gurmeet Singh he was under the influence of the liquor when he died. As per post mortem report 700 ml liquor and 200 ml semi digested food was found in his stomach. Thus, on this ground the petitioner is not entitled to claim any sort of special family pension.

As all the pensionary benefits have been released to the petitioner, the writ deserves dismissal."



4. Since, there is no representation on behalf of the petitioner, consequently, the present petition is dismissed for non-prosecution.
5. However, liberty is granted to the petitioner to revive the present petition in case, any cause still survives.

29.08.2024
renubala

(NAMIT KUMAR)
JUDGE

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