

2024:PHHC:030544
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

140 CWP-5109-2024 (O&M)
Date of decision: 04.03.2024

Paramjit Kaur ..Petitioner

Versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

AMAN CHAUDHARY, J

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing the respondents to give full pension to the petitioner.
2. Learned counsel would contend that the first wife and two of the sons of husband of the petitioner have passed away and the other two children, one of whom is well settled in Dubai and daughter is married, who were earlier being granted half pension and are now above 25 years of age, therefore, the petitioner being a second wife, who has two children studying in Class 11 and 12 respectively, are entitled to full pension. The Deputy Commissioner, SBS Nagar, vide order dated 26.10.2022 (Annexure P8) allowed the full pension to the petitioner, however, the same has been wrongly declined by the Senior Accounts Officer of the office of the Accountant General (A&E), Punjab & UT Chandigarh vide order dated 29.08.2023 (Annexure P10). In this regard, a legal notice dated 09.10.2023 (Annexure P11), has been served upon the said authority, which has yet not evoked any response. He thus, at this stage, on instructions, submits that

the petitioner is sanguine of it being considered in a positive manner, in case,

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a direction is given to the respondents to decide the same in a time bound manner by granting her an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Amarpreet Singh Bains, AAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider the legal notice dated 09.10.2023, Annexure P11 and decide the same taking note of the pleas raised, within a period of 3 months and if found entitled, necessary benefit be granted to her forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating her therewith.

04.03.2024

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No