

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-4338-2024 (O&M)
Date of decision: 26.02.2024

Nirmal Kaur

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Bhupinder Singh Ghatoye, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release/grant the benefits of family pension along with the arrears and along with the interest @ 18% from the date of its accrual i.e. 22.08.2021.
2. Learned counsel would contend that the husband of the petitioner retired on 31.01.2010, whereafter, one CWP-2321-2014 was filed by her husband for release of retiral benefits and the needful was done in 2016, except pension. Unfortunately, he passed away on 22.08.2021 and the petitioner approached the respondent-Department for release of family pension and other retiral benefits, ergo representations, followed by a legal notice dated 22.02.2023, Annexure P-5 have been submitted by her, however, the pension has yet not been released. Though, there were certain communications inter se the respondents to release it, which have been appended as Annexures P-6 to P-9. Thereafter, a reminder was also sent by the petitioner on 12.01.2024, Annexure P-10, 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, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Swapan Shorey, DAG 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 respondents to consider and decide the legal notice dated 22.02.2023, Annexure P-5 and reminder dated 12.01.2024, Annexure P-10 within a period of 6 months and if found entitled, necessary benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating her therewith.

(AMAN CHAUDHARY)
JUDGE

26.02.2024
M.Kamra

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No