

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-7043-2001 (O&M)
Date of decision: 03.04.2024

Vidya Devi

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Hitesh Sood, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

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 grant and release the family pension to the petitioner.
2. Learned counsel submits that the claim of the petitioner has been rejected on the ground that there was no record of service of her husband, available with the Department. In that regard, during the pendency of the present petition, a list of those Vaidyas issued by Assistant Director, Ayurveda for Director, Health Services, Punjab dated 24.02.1969, who have to be declared permanent has been obtained, which has been produced on record as Annexure P-5, wherefrom, it is discernible that the name of husband of the petitioner figures at Serial No.55, showing his date of joining the service as 22.05.1951. The State Government issued Instructions dated 28.12.1982, Annexure P-2, whereby the family pension was made applicable to those, who died in service before 01.07.1964 and who were granted family pension as their cases were not covered

by the family pension scheme provided in the New Pension Rules, 1951 or any other rules. It is only thereafter, that the petitioner could approach the Department and as such, submitted his representation on 14.08.1991, Annexure P-3, followed by a legal notice dated 03.07.1992, Annexure P-4, thus, there was no delay that can be pressed into service against him for claiming the family pension. Even otherwise, it is a recurring cause of action. He on instructions submits that the claim of the petitioner be directed to be considered afresh in a time bound manner in wake of the aforesaid document, which was not available with him or the Department that led to rejection of his case.

3. Learned State counsel has no objection to the limited prayer made and not averse to have a relook at the matter.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction that in case, a representation is filed within a period of 4 weeks along with the document, Annexure P-5, the same shall be considered and decided within a further period of 3 months and if found entitled, necessary benefits be granted to the petitioner forthwith.

(AMAN CHAUDHARY)
JUDGE

03.04.2024
M.Kamra

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No