



233 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-10602-2021
Date of decision: 08.05.2024**

HARBHAJAN KAUR

...PETITIONER

VERSUS

**PEPSU ROAD TRANSPORT CORPORATION
PATIALA AND ORS.**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Mehak Sharma, Advocate for
Mr. Sharwan Sehgal, Advocate for the petitioner.

Mr. Harsh Aggarwal, Advocate with
Mr. Hitesh Sood, Advocate for PRTC.

Mr. Teevar Sharma, AAG, Punjab.

Mr. N.K.Vashisth, Senior Panel Counsel (UOI)
for respondent Nos.4 and 5.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226 of the Constitution of India for issuance of a writ in the nature of mandamus, for directing the respondents to grant family pension of PRTC to her along with the arrears @ 18% per annum interest.

2. The petitioner is widow of Sh. Gurdev Singh, who retired from Indian Army and was granted pension and thereafter, he joined the PRTC in the year 1976 and unfortunately, he expired on 20.10.2009.

3. The grievance of the petitioner in the present petition is that although she is getting family pension from the Army Authorities, however, the family pension has not been granted by PRTC for the service rendered by her husband from 1976 to 2009.

4. In the written statement filed by PRTC, it has been stated as under:-



"That it would be worthwhile to mention here that since 2011 to 2021, the petitioner never asked for nor submitted document for any claim to the answering respondent. However, in month of February, 2021, the petitioner straightway served a legal notice through his counsel alleging non payment of pension and other arrears but the petitioner has not submitted any document with the answering respondent even before filing the present writ petition and now, the petitioner has filed the present writ petition. Hence, the present writ petition is liable to be dismissed being not maintainable."

5. Learned counsel for the petitioner submits that the petitioner shall submit all the necessary documents to the PRTC within a period of one month from today and her case for grant of due family pension in terms of instructions dated 23.06.2016 (Annexure P-7) be considered in a time bound manner.
6. Learned counsel for respondent Nos.1 and 2-PRTC submits that after the necessary documents being submitted by the petitioner, the case of the petitioner for grant of family pension in terms of instructions dated 23.06.2016 (Annexure P-7) will be considered within a period of three months thereafter and the necessary benefits shall be released within a period of one month thereafter.
7. Disposed of in above terms.

08.05.2024

renubala

(NAMIT KUMAR)
JUDGE

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