

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-948-1997 (O&M)
Date of decision: 02.02.2024

Darshan Chand
.....Petitioner
Versus
State of Punjab and Ors.
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.
Mr. T.P.S. Walia, AAG, Punjab.
None for respondent No.3.

NAMIT KUMAR J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, mandamus, prohibition or any other suitable writ, order or direction, directing the respondents to pay the pensionary benefits to the petitioner with effect from the date of his retirement and for grant of other reliefs.
2. None has put in appearance on behalf of the petitioner on 19.08.2015, 06.02.2020, 25.02.2020, 03.03.2020, 27.01.2023, 21.04.2023 and 20.01.2024. Even today also, no one is present on behalf of the petitioner.
3. On 27.01.2023, the following order was passed:-

“No body has caused appeared on behalf of the petitioner and respondent No.3.

Since the prayer in the present petition is for grant of pensionary benefits and the present petition is of the year 1997, let the learned State counsel appearing on behalf of respondents No.1 and 2 seek information with regard to the fact that as to whether anything survives in the present petition or not and the Department of Local Bodies, Punjab shall also inform respondent No.3-Municipal Council, Batala with regard to the next date of hearing.

Adjourned to 24.02.2023.”

4. Learned counsel for the State has produced a letter dated 14.03.2023, issued by the Deputy Controller (F&A), Directorate of Local Government, Punjab, Chandigarh, wherein it has been stated as under:-

“That in the instant case the Hon'ble High Court on 27.01.2023 has passed the following interim order:-

"No body has caused appeared on behalf of the petitioner and respondent No.3. Since the prayer in the present petition is for grant of pensionary benefits and the present petition is of the year 1997, let the learned State counsel appearing on behalf of respondents No.1 and 2 seek information with regard to the fact that as to whether anything survives in the present petition or not and the Department of Local Bodies, Punjab shall also inform respondent No.3-Municipal Council, Batala with regard to the next date of hearing Adjourned to 24.02.2023."

That after 24.02.2023, status of the case was checked from the official website of the Hon'ble Court, but no next date yet fixed in this matter.

The Municipal Corporation, Batala (earlier Municipal Council, Batala) has been asked telephonically by this office to send a latest report in regard to this case. The office of Municipal Corporation, Batala vide letter dated 24.02.2023 has informed that the retired employee has given pension as per the rules of the Government. The

petitioner expired on 05.07.2011. After the death of the pensioner no family member is eligible for family pension as per the detailed list of family members given by him at the time of payment of pension. According to the details. the pensioner had four sons who were already not dependent on the pensioner. Therefore, no family pension has been given to any family member after the death of the pensioner.

A copy of Pension Payment Order No.374 dated 12.06.1998 vide which pension granted to the petitioner is attached at Annexure 'A'. A copy of Death Certificate of the petitioner is attached as Annexure 'B' and the details of the family members is attached at Annexure 'C'.

This is for your information. You are requested to appraise the Hon'ble Court accordingly.

Deputy Controller (F & A) ”

5. In view of the above, the instant writ petition is disposed of having been rendered infructuous.

(NAMIT KUMAR)
JUDGE

02.02.2024
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No