



CWP-10517-2019

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

(244)

CWP-10517-2019

Date of Decision : August 22, 2024

Gian Chand

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate and
Ms. Neha Singh, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, Assistant Advocate General,
Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present writ petition has been filed to claim the relief of family pension for the grand child of the family pension holder after his death.
2. Learned counsel for the petitioner has placed reliance upon the judgment of the Coordinate Bench of this Court in ***CWP No.902 of 2009 titled as Ramanpreet Kaur (minor) and another vs. The State of Punjab and others, decided on 04.10.2010*** (Annexure P-6).
3. Learned State counsel submits that against the judgment in ***Ramanpreet Kaur's case (supra)***, the LPA was filed being LPA No.1034 of 2011, which was decided on 26.07.2011 wherein, it has already been held by the Division Bench that the said judgment will have no precedential value and will not be cited to claim relief.



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4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a conceded position that under the grant of family pension, the same cannot be granted to a grand child. The claim which has been raised in the present writ petition is based upon the judgment of the Single Judge in ***Ramanpreet Kaur's case (supra)***. The said judgment has already been modified by the Division Bench in ***LPA No.1034 of 2011 titled as State of Punjab and others vs. Ramanpreet Kaur and others, decided on 26.07.2011***. The relevant observation of the Division Bench is as under:-

“ 5. Be that as it may, in this appeal the judgment passed by the learned Single Judge has already been implemented and we dispose of the appeal by observing that the view taken by the learned Single Judge would not have any precedential value and the same may not be cited as such particularly when we have noticed the argument on the basis of Devinder Kaur's case (supra). Accordingly, we leave the aforesaid question open to be decided in an appropriate case. The appeal is accordingly disposed of.”

6. A bare perusal of the above would show that no relief can be granted by placing reliance upon the judgment of the Coordinate Bench of this Court in ***Ramanpreet Kaur's case (supra)*** hence, no relief can be granted to the petitioner on the basis of the judgment especially when under the Rules, the grand children are not eligible for the grant of family pension.

7. No other argument was raised.

8. Keeping in view the above, no ground is made out for any interference by this Court in the present case.



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9. Dismissed.

August 22, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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