



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-11595-2020

Date of decision : 25.11.2024

Bimla Devi

....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

Mr. Baljinder Singh, Advocate for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the pensionary and retiral benefits of deceased husband of the petitioner with interest @ 18% per annum and also grant all consequential benefits including family pension.

2. In the written statement filed by respondent No.3, the following stand has been taken :-

“1. That the contents of Para No.1 of the writ petition are admitted to the extent that Shri Krishan Kumar superannuated on 31.03.2016. It is submitted that the services of Shri Krishan Kumar were regularized vide office order bearing No.MCP160/2021 dated 29.09.2010. Therefore, as per the policy of the Govt., the family of the retiree is not entitled for pension/family pension as the employee was recruited after 01.01.2004. It is further submitted that there is no harassment on the part of the answering respondent to the widow of the retired employee. But rest contents of the paragraph are denied being wrong and incorrect that the retired employee was not given any



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retiral benefits. It is further submitted that at the time of retirement on 31.03.2016 Shri Krishan Kumar was given Contributory Pension Fund amounting to Rs.1,10,334/- and leave encashment amounting to Rs. 42,925/-."

3. Learned counsel for respondent No.3 submits that since all the retiral dues of the husband of the petitioner have already been released, therefore, the instant petition has been rendered infructuous.

4. However, learned counsel for the petitioner submits that in view of the law laid down by Hon'ble Division Bench of this Court in ***CWP No.2371 of 2010 titled as 'Harbans Lal Vs. The State of Punjab and others' decided on 31.08.2010***, the petitioner is entitled for pensionary benefits instead of benefits which have been paid under the C.P.F. Scheme as husband of the petitioner initially joined the service in the year 1979 and his services were regularized vide order dated 29.09.2010. He submits that for claiming the said benefit, the petitioner shall make a detailed representation to respondent No.3 and the same may be considered in a time bound manner.

5. The said prayer has not been opposed by the learned counsel for respondent No.3.

6. If any such representation is submitted by the petitioner, within a period of 01 month, the same shall be considered and disposed of by respondent No.3 within a period of 03 months from the date of receipt of the same.

7. Disposed of in the above terms.

25.11.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No