



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP No. 18203 of 2024
Date of Decision : 02.08.2024

Baljit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that husband of the petitioner was working as a Peon with the respondents and unfortunately, died on 13.12.2016 while in service but the family pension is not being released to the petitioner on the ground that the services of the husband of the petitioner were regularized after 01.01.2004 after which there is no pension available, hence, petitioner cannot be granted family pension as well.

2. Learned counsel for the petitioner argues that the said stand of the respondents is arbitrary and illegal on two counts, one that the services of the husband of the petitioner were regularized with effect from the year 1997, hence, he is to be treated as a regular employee from the year 1997, which is prior to 01.01.2004 and even otherwise, as per the judgment of the Division Bench of this Court in CWP No.2371 of 2010 titled as **Harbans Lal Vs.**

State of Punjab and others, decided on 31.08.2010, any employee who was



in service prior to 01.01.2004 even his/her services have been regularized after 01.01.2004, the said employee will be governed under the Old Pension Scheme, hence, the respondents are under obligation to grant the petitioner the benefit of family pension.

3. Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the representation dated 24.01.2024 (Annexure P-9) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

4. Notice of motion.

5. On the asking of the Court, Mr. Charanpreet Singh, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the representation dated 24.01.2024 (Annexure P-9) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed and will be duly conveyed to her.



6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.
7. Ordered accordingly.

August 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No