



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

213

CWP-5272-2017 (O&M)

Date of decision: 25.11.2024

Smt. Sharmila Devi

..Petitioner

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Sunil K. Sharma, Sr. Panel Counsel, Union of India.

AMAN CHAUDHARY, J. (Oral)

1. The first prayer made in the present petition is for directing the respondents to grant extra-ordinary family pension to the petitioner w.e.f. the date of death of her husband which, learned counsel submits, is covered in his favour by judgment in **Jyoti Devi vs. Union of India and others**¹, LPA² against which has been dismissed. The relevant para of Jyoti Dev (supra) reads thus:

“Keeping in view the above, the claim of the petitioner is squarely covered by the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.4949 of 2013, Dharamvir Singh vs. Union of India and others, decided on 02.07.2013 and needs to be allowed. The petitioner is held entitled for the extraordinary pension as the death of the husband of the petitioner was due to an ailment which was suffered by him during the service and has to be attributable to the said service and the claim of the petitioner is covered under category B of the guidelines issued for the grant of extraordinary family pension, which are in effect since 01.01.1996. The respondents are directed to compute the benefit for which the petitioner is entitled for the grant of extraordinary pension within a period of two months from the receipt of copy of this order and the amount so calculated be released to the petitioner within one month thereafter.

The present writ petition is allowed in above terms.”

2. Insofar as the second prayer with regard to grant of ex-gratia lump sum compensation of Rs.15 lakh is concerned, learned counsel, on instructions

¹ CWP-4408-2017, decided on 05.07.2022

² LPA-979-2022, decided on 15.12..2022



from the petitioner, submits that she shall make a fresh representation relying on the Policy/judgments in that regard and prays that the same may be directed to be decided in a time bound manner.

3. Learned counsel for the Union of India despite his best efforts has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law and has no objection to the latter prayer made above.

4. In wake of the above, with regard to first prayer, the present petition is disposed of in terms of the judgment passed in **Jyoti Devi** (supra). In case, petitioner submits a fresh representation/s regarding the second one within a period of 4 weeks, the same shall be considered and decided within a period of 4 months, in accordance with law.

25.11.2024

ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No