



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-936-2025

Date of decision: 16.01.2025

VIJAY LAXMI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Varshit Garg, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for seeking directions to the respondents to revise the pension of the petitioner as per the revised rules of pension issued by the Government of Haryana alongwith the pending arrears.

2. Learned Counsel for the petitioner contends that Rattan Lal-late husband of the petitioner had joined the Department of Forest in the State of Haryana on 07.08.1961 and served for a period of more than 35 years before his superannuation on 30.06.1997 as Forest Ranger from Morni-Pinjore Division. During his life time, he was withdrawing pension as per the Government rules but has stopped receiving the monthly medical allowance from March, 2016. Rattan Lal thereafter passed away on 11.11.2016. The petitioner has since then been withdrawing pension under the Family

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Pension Scheme being eligible for the same. She is getting a basic pension of Rs. 9000/- plus DA but is not getting any monthly medical allowance. Vide notification No.10/11/2017-4SIII dated 10.08.2017, the Government of Haryana implemented the 7th Pay Commission w.e.f. 01.01.2016 i.e., retrospectively. The petitioner was hence eligible to receive the revised pension as per the 7th Pay Commission, however, instead of paying the same, the Department continued to release her Pension under the Old Pension Scheme. When the petitioner came to know of the same, she submitted several representations seeking revision of her pension. The said representation was later forwarded by the Divisional Forest Officer to the Chief Conservator of Forest alongwith a letter dated 22.01.2024 requesting the Chief Conservator of Forest to consider the case of the petitioner and to revise the family pension as per the latest pension scheme. No action was taken thereupon compelling the petitioner to submit a representation on the CM Window, Haryana on 23.04.2024. Yet, no action was taken. A legal notice dated 29.08.2024 was accordingly submitted by the petitioner. In response thereto, a letter dated 02.12.2024 was received by the petitioner whereby the respondent-Department directed her to provide the complete bank statement before and after 7th Pay Commission issued by the bank to consider her case for family pension. He contends that the petitioner has already forwarded the said documents as sought for by the respondents in terms of the communication dated 02.12.2024 but no action has been taken so far. He submits that he would be satisfied at this juncture in case the respondents are directed to take an expeditious decision on the pending legal

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notice dated 29.08.2024 (Annexure P-5) in an expeditious and time bound manner.

3. Notice of motion.

4. On the asking of the Court, Ms. Tanisha Peshawaria, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents and submits that she has no objection to the aforesaid prayer being granted.

5. Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.2- Chief Conservator of Forest, Forest Department, Panchkula is directed to take note of the demand/Legal Notice dated 29.08.2024 (Annexure P-5) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

6. Needless to mention that in the event the entitlement of the petitioner is established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of two months thereafter, failing which the respondents shall be liable to pay interest @ 9% per annum from the date of filing of the present writ petition.

JANUARY 16, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No