



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

211

CWP-19958-2023

Date of Decision : **January 30, 2026**

SURINDER KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. Surinder Thakur, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present petition, the petitioner has challenged the impugned letter/communication dated 25.05.2023 (Annexure P-8) whereby, respondent No.3 has declined the relief of commutation of pension to the petitioner.

2. Brief facts of the case are that the late husband of the petitioner joined respondent No.1-Department in the year 1990 and retired from the post of Center Head Teacher on 31.01.2022. The late husband of the petitioner submitted application for grant of commutation of pension vide application dated 14.09.2022 i.e. within a period of one year from the date of retirement. The application of the late husband of the petitioner was duly considered by respondent No.2 and the same was sent to respondent No.3 for further consideration. However, no action was taken by the Department. Unfortunately, the husband of the petitioner expired on 03.12.2022. After the

death of husband of the petitioner, the petitioner made a request for grant of commutation of pension. The request made by the petitioner was rejected vide order dated 25.05.2023 (Annexure P-8) on the ground that the late husband of the petitioner did not sign the prescribed form of commutation application before his death and as such, commuted value of pension cannot be released to the petitioner.

3. Learned counsel appearing on behalf of the petitioner submits that the perusal of the facts of the present case would show that the late husband of the petitioner duly submitted an application for grant of commutation of pension within one year before his retirement. Infact, the application submitted by the late husband of the petitioner was duly considered by respondent No.2 i.e. Head Office and the matter was forwarded to respondent No.3 for necessary action. Unfortunately, the husband of the petitioner expired on 03.12.2022. He submits that non-execution of some documents will not have any effect upon the claim of commutation of pension of late husband of the petitioner.

4. The learned State counsel submits that as the late husband of the petitioner did not sign some documents of the prescribed commutation form/application before his death as such, the claim of the petitioner cannot be considered for grant of commutation of pension.

5. After hearing the learned counsel for the parties at some length, a perusal of the facts of the present case would show that infact the late husband of the petitioner duly submitted an application alongwith requisite documents for grant of commutation of pension vide application dated 14.09.2022 i.e. within a period of one year from the date of his retirement.

Infact the application was duly considered by the Head Office and was recommended to respondent No.3 for further consideration. Unfortunately, the husband of the petitioner expired on 03.12.2022. Non-execution of some document/documents by an employee in respect of commutation of pension cannot defeat the claim for grant of commutation of pension. As the process for grant of commutation of pension in the case of the late husband of the petitioner was already under consideration before he expired, there is no reason to deny the benefit of commutation of pension to the petitioner.

6. Taking into consideration the facts and circumstances of the present case, the present writ petition is allowed with a direction to the respondents to consider the case of late husband of petitioner for grant of commutation of pension in accordance with law and release the commuted value of pension to the petitioner after making necessary adjustments within a period of three months from the date of receipt of certified copy of this order.

7. All pending application(s), if any, also stand disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

January 30, 2026
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No