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

**CWP-28823-2023(O&M)
Date of decision : 19.02.2026**

Jagjeet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. Prince Goyal, Advocate (through VC) and
Ms. Chhavi Budhiraja, Advocate for the petitioners.

Mr. Nirmal Preet Singh Hira, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioners are praying for issuance of a writ in the nature of mandamus directing the respondents to grant family pension, in respect of late Sh. Partap Singh (J.B.T. Teacher) to the petitioners, being legal heirs.

2. A perusal of the written statement would show that the claim of the petitioners has been rejected on the ground that deceased husband of petitioner No.1 did not exercise the option within a period of four months from the date of publication of the Punjab Privately Managed Recognized Aided Schools Retirement Benefits Scheme, 1992 (for short 'Scheme of 1992').

3. Learned counsel for the petitioners submits that in light of the sub-Clause (iv) of Clause 4 of the Scheme of 1992, in case of an employee who dies on or after the fifth day of February, 1987 and who



could not exercise his option, the legal heir of such employee who is entitled to receive retirement benefits under the Scheme, shall exercise option, subject to the condition that the legal heir shall have to deposit the amount received by the deceased employee or by him, as the case may be, under the Contributory Provident Fund. Learned counsel further submits that the abovesaid provision has not been taken into consideration while denying the relief to the petitioners.

4. Learned counsel for the petitioners, on instructions from the petitioners, submits that he will be satisfied, if liberty is granted to the petitioner to file a fresh representation before the competent authority for grant of family pension in light of sub-clause (iv) of Clause 4 of the Scheme of 1992 with a direction to the respondents to consider and decide such representation submitted by the petitioners in a time-bound manner.

5. Learned State counsel does not oppose the prayer made by learned counsel for the petitioners.

6. In view of the above and without commenting upon the merits of the case, the present petition is hereby disposed of with liberty to the petitioners to file a representation to the competent authority for grant of family pension in light of sub-clause (iv) of Clause 4 of the Scheme of 1992. In case, such representation is filed by the petitioners, the same shall be considered and decided by the respondents, in accordance with law, within a period of 03 months from the date of submission of such representation by the petitioners.



7. Pending application(s), if any, shall also stand(s) disposed of.

19.02.2025

(DEEPINDER SINGH NALWA)

d.gulati

JUDGE

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