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

**CWP-37975-2025 (O&M)
Date of decision: 09.02.2026**

Kuldeep Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Sandhir, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. T.S. Sidhu, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant the arrears of monthly pension and other retiral benefits such as gratuity, leave encashment, PF, LTC, pension etc., of late husband of the petitioner and also the benefits of Proficiency Step Ups on completion of 04 years, 09 years and 14 years respectively along with interest @9% *per annum*. It is further prayed that monthly family pension of the petitioner be fixed on the basis of refixation of pension of her late husband



and grant arrears thereof along with interest and also to refund the amounts of Rs.90,748/- and Rs.1,21,750/-, which were deducted from the retiral dues of her late husband without his consent, along with interest @12% *per annum* from the date of deduction till its payment.

2. Learned counsel for the petitioner, *inter alia*, contends that late husband of the petitioner served the respondent-Improvement Trust from 08.08.1989 to 31.03.2016. On 15.07.1999, a resolution No.41 was passed by the Board of Trustees, vide which late husband of the petitioner was granted revised pay scale and the Government of Punjab had also approved the same vide letter dated 28.07.2000 (Annexure P-10). Despite that, the respondent-Trust failed to implement approved revised pay scale. Upon retirement, pension and retiral benefits were calculated on a lower unrevised pay scale. Further, the temporary service rendered by late husband of the petitioner from 08.08.1989 to 29.03.1992 was not counted and even Proficiency Step Ups were also denied. Furthermore, deductions were illegally made from his retiral dues and income tax, which are liable to be borne by the employer. It is further contended that the petitioner being widow is now receiving reduced family pension due to non-implementation of approved revised pay scale. Even temporary service rendered by late husband of the petitioner preceding his regularization for the purpose of pension is not counted, which is contrary to the law laid down by the Full Bench of this Court in ***Kesar Chand Vs. State of Punjab, 1988 (2) PLR 223***, wherein the respondents were directed to count past (temporary service) service rendered by the petitioners therein as



qualifying service for the purpose of pension and other retiral benefits. Learned counsel for the petitioner further relies upon a judgment passed by the Division Bench of this Court in ***Harbans Lal Vs. The State of Punjab and others, CWP-2371-2010***, decided on 31.08.2010, in which the controversy qua counting of past service of an employee while working on daily wages or on contract basis for calculating the pensionary benefits as per old GPF scheme has already been settled.

3. Learned counsel for the petitioner further submits that the petitioner served a legal notice dated 16.11.2023 (Annexure P-23), which remains unheeded. At this stage, the petitioner would be satisfied if the legal notice dated 16.11.2023 (Annexure P-23) is decided by respondent No.2, by passing a speaking order, after affording an opportunity of hearing, in a time bound manner.

4. Learned State counsel as well as learned counsel for respondents No.2 & 3 have no objection, in case a direction is issued to respondent No.2 to consider and decide the legal notice dated 16.11.2023 (Annexure P-23) in the light of aforesaid judgments, in a time bound manner, by passing a speaking order.

5. In view of the limited prayer made by learned counsel for the petitioner, present petition is disposed of and respondent No.2 is directed to consider and decide the legal notice dated 16.11.2023 (Annexure P-23) and pass a speaking order in terms of the judgments rendered by the Full Bench of this Court in ***Kesar Chand***'s case (*supra*) and Division Bench of this Court in



Harbans Lal's case (*supra*) as well as in the light of approval granted by the Government of Punjab on 28.07.2000 (Annexure P-10), after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

6. Further, the decision taken on the legal notice dated 16.11.2023 (Annexure P-23) shall be conveyed to the petitioner.

7. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted to her forthwith by the competent authority.

09.02.2026
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No