



Delay condoned.

Leave granted.

This appeal, by special leave, is directed against order dated 14th September, 2006 passed by the High Court of Punjab & Haryana, at Chandigarh in Civil Writ Petition No. 14751 of 2006. By the impugned order, the High Court has disposed of the writ petition preferred by the appellant, with a direction to the Director General of Police, Punjab to take a final decision on the representation of the appellant made on 11th July, 2005. However, while issuing the said direction, the High Court has clarified that the arrears on account of revision of the family pension shall be confined only to a period of 3 years and 2 months from the date of filing of the writ petition because the writ petition was filed belatedly in the year 2006.

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It is against this clarification that the appellant is before us in this appeal.

Learned counsel appearing for the appellant has vehemently submitted that the appellant, being an uneducated lady residing in a remote town, had no access to the policy framed by the State Government for granting relief to the legal heirs of those police officers, who had lost their lives in terrorist attacks. Drawing our attention to the instructions dated 18th May, 1990, issued by the Government of Punjab, Department of Finance, learned counsel submits that since the son of the appellant was killed on 23rd November, 1991, the said instructions are clearly applicable and, therefore, the State should have revised the

pension on their own without waiting for a representation. Learned counsel has urged that the delay in filing the writ petition was because of the pendency of the representation, made by the appellant to the State Government, to which there was no response.

In the counter affidavit filed on behalf of the State, it is stated that pursuant to the directions issued by the High Court, the office of

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Accountant General Punjab, Chandigarh, has sanctioned/revised the special family pension of the appellant and granted the same at the rate of Rs.1,440/- from 24th November, 1991 to 31st December, 1995 and Rs.4,367/- from 1st January, 1996 to 31st October, 2023 (i.e. the date of retirement of appellant's son) and thereafter at Rs.2,650/- vide office memo dated 2nd February, 2007. It is, however, stated that in view of the impugned clarification in the order, the arrears were restricted to a period of 38 months only.

Having perused the material on record and bearing in mind the laudable object of the said scheme as also the fact that the appellant is a rustic lady, hailing from a small village, it would be travesty of justice if the benefit of revised family pension under instructions dated 18th May, 1990 for the entire period, it was due, is denied to her.

Accordingly, the appeal is allowed; the

impugned judgment is set aside and it is directed that the appellant shall be entitled to arrears of family pension for the entire period, as due in terms of aforesaid instructions.

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The appeal stands disposed of in the above terms with no order as to costs.

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(D.K. JAIN, J.)

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(ASOK KUMAR GANGULY, J.)

NEW DELHI  
SEPTEMBER 05, 2011