

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

**CWP No.24602 of 2015
Date of decision:26.11 2015**

Surinder Kaur ... Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. SK Rattan, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

In the previous round of litigation filed by the petitioner in CWP No.22061 of 2015, disposed of on October 14, 2015, the issue related to grant of pension/family pension to the widow of the deceased Government servant. The petitioner's husband retired from service on reaching the age of superannuation on January 31, 2014 and died on August 19, 2015. But his pension and pensionary dues were not made available to him in his life time. That petition was disposed of with directions to the respondent department and the same is under consideration of the competent authority since the time-frame stipulated in the order to take a final decision has not yet expired.

In the meantime it happens and for which reason the petitioner has presented the present petition asserting that she has come to know from the service book of her late husband that there are other

financial dues remaining unpaid regarding proficiency step up under the Assured Career Progression Scheme and consequential benefits of pay fixation, arrears of pay, revised pension and other pensionary benefits. To claim these, she has served a separate legal notice dated October 10, 2015, a copy of which is placed at Annexure P-8.

This petition has been filed to expedite the hearing on the legal notice and if possible to club the cases/claims in the previous litigation and its aftermath and the present one to decide both reliefs simultaneously to save time. The prayer appears to be fair and reasonable for issuance of a time-bound direction to the respondents to decide the legal notice as was granted in the previous litigation.

Without expressing any opinion on the merits of the case, the prayer of the petitioner is accepted as just and meet and a direction is issued to the respondents to consider and decide the legal notice preferably within the time-frame set in the previous order dated October 14, 2015 passed in CWP No.22061 of 2015 filed by the petitioner. However, if it is not practically possible, then the present legal notice be decided independently within 2 months from the date of receipt of a certified copy of this order. Needless to say that in case the prayer of the petitioner is worthy of acceptance it would not be necessary either to hear the petitioner or to pass a speaking order and the benefits can be percolated through office orders passed within the time-frame. However, in case an order adverse to the interest of the petitioner is contemplated then the necessity would arise to give an effective opportunity of hearing to the petitioner or to the authorised representative named by her who

may be a colleague of the late husband of the petitioner and thereupon to pass a reasoned order disclosing the process of thinking which has weighed in the mind of the competent authority to decline relief in which event, the order will be communicated to the petitioner within 7 days of the making of the final decision. The petitioner will have right to challenge the order and seek legal redress in a court of law.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

26.11.2015
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