

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

CWP No.2684 of 2015

Date of decision:18.02.2015

Devinder Kaur

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. ADS Bal, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

It has been pleaded that the petitioner has joined as Staff Nurse under the Health Department, State of Punjab in the year 1977.

She applied for long leave i.e. from 21.06.1995 to 17.10.1995 and which as per counsel was neither sanctioned nor rejected. During the afore stated period, petitioner left for America to join her husband and has not returned back to join duties. In para 3 of the writ petition, a categoric averment has been made that till date, no adverse action has been initiated against the petitioner and no order has been passed declaring the petitioner to absent from duty. Counsel would contend that since the petitioner has not possessed the requisite qualifying service, she would have no right to claim pension but the amount towards GPF etc. has to be paid to the petitioner. In such regard, it has been submitted that the petitioner had sought information from the respondent/department and vide communication dated 13.03.2014 at Annexure P-1, she has been informed that as on 31.03.1996, an amount of Rs.1,01,051/- was lying in her GP fund account.

The present writ petition has been filed raising a grievance that

directions be issued for releasing such amount which otherwise would be the vested right of the petitioner.

Without going into the merits of the case and without making any observations with regard to entitlement of the petitioner as per prayer made, I deem it appropriate to dispose of the present writ petition with a direction to respondent No.2 to consider the claim of the petitioner and to take a final decision on the legal notice dated 03.10.2014 at Annexure P-4 strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

Dispose of.

18.02.2015

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE