

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 7100 of 2015

DATE OF DECISION : April 20, 2015

Rajinder Kaur

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. N.S. Bains, Advocate, for the petitioner.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, directing the respondents to afford employment to the younger son of the petitioner; namely, Tarvinder Pal Singh, as driver on compassionate ground.

It is averred that late husband of the petitioner i.e.

Harinder Pal Singh, Ex-driver, was removed from service on

28.05.2002. The said order was challenged by Harinder Pal Singh in a suit, which was decreed on 19.11.2007 and the order of removal dated 28.05.2002 was set aside. However, in an appeal preferred by the department, the said decree was modified to enable the department to hold a fresh inquiry. But, the departmental authorities neither initiated any fresh inquiry nor served any notice upon the husband of the petitioner. Though, the order dated 28.05.2002, vide which Harinder Pal Singh was removed from service was set aside, yet he was not reinstated. Unfortunately, husband of the petitioner died on 04.10.2010. The respondent-department reinstated the deceased husband of the petitioner on 08.12.2011, vide order bearing endorsement No. P-2/6/13-11/1755-B dated 08.12.2011, w.e.f. 28.05.2002 concededly, post death of the late husband of the petitioner. It is maintained that order of reinstatement dated 08.12.2011, was neither conveyed to the petitioner nor to any of the legal heirs of the deceased. The fact, that is admitted by the respondent-department in reply to the letter dated 02.09.2014 (Annexure P-5). That being so, petitioner moved a representation to respondent No.4 to provide employment to her son on compassionate ground on 09.09.2014 (Annexure P-6). But, to no avail. So much so, respondents were even served upon a legal notice dated 25.09.2014 (Annexure P-7), followed by representations, Annexures P-9 and P-10. But, the same have also not been heeded to.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of with a direction to the

respondents to consider and decide the legal notice served by the petitioner within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to the respondents to consider and decide the claim of the petitioner, as set out in her legal notice dated 25.09.2014 (Annexure P-7), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

APRIL 20, 2015
Kang

(ARUN PALLI)
JUDGE