

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.1790 of 2016

Date of decision: 29.1.2016

Ishro Devi

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner claims release of her retirement-cum-service benefits along with interest for delayed period.

It is pleaded case of the petitioner that she retired as Sweeperess from respondent no.5-Municipal Council, Malout on 30.6.2015. Only amount of ₹ 2,29,000/- has been released and approximately ₹ 10,30,000/- is still due which has been withheld. In spite of the legal notice dated 1.12.2015 (Annexure P/2), the said respondent has not disbursed the balance amount of retiral dues. It is further averred that respondents no.2 and 3 had also directed that the said respondent will take necessary action but the said respondent has not taken any action. Reference has been made to letters dated 15.12.2015 and 17.12.2015 (Annexures P/3 and P/4 respectively).

Counsel for the petitioner submits that he would be satisfied if a direction is issued to respondent no.5 to decide the legal notice dated 1.12.2015 (Annexure P/2) within some fixed time frame.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondents no.1 to 4. Copies of the writ petition have been supplied to him.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, the present writ petition is disposed of with a direction to respondent no.5 to take into consideration the said legal notice dated 1.12.2015 (Annexure P/2) and pass an appropriate order in accordance with law within a period of two months from the date of receipt of a certified copy of this order. The said respondent shall also take into consideration the right of the petitioner to receive interest on account of delay in release of retiral benefits as per the Full Bench decision of this Court in **A.S.Randhawa Vs. State of Punjab 1998(1) S.C.T. 343**. In case there is no legal hitch, the retiral benefits be paid to her forthwith thereafter. In case any adverse order is to be passed then a reasoned order be passed by the said respondent and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

January 29, 2016
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(G.S.SANDHAWALIA)
Judge