

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

C.W.P. No. 4338 of 2013

Date of decision : 12.04.2016

Dharmo Devi

...Petitioner

versus

The Registrar, Cooperative Societies, Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Malik, Advocate,
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

Mr. S.S. Dalal, Advocate,
for respondent No.2.

RITU BAHRI, J. (Oral)

The petitioner is seeking direction to the respondents to release the retiral benefit (Gratuity) of her husband namely Ramesh Kumar (since deceased) after considering the revise pay scale w.e.f. 01.01.2006 along with Ex-gratia compensation according to Haryana Government Scheme dated 01.08.2006.

Husband of the petitioner expired on 21.12.2007 while working as Clerk in Gajlana Cooperative Society, Gajlana, Tehsil Thanesar, District Kurukshetra-respondent No.2. As per Resolution dated 19.04.2008 (Annexure R2/1), after deducting the dues of the Society, payment of gratuity and leave encashment amounting to Rs.1,02,691/- was granted to the petitioner. At the same time, pursuant to the notification dated 21.07.1994 (Annexure P-4), the petitioner sent a legal notice dated 22.10.2012 (Annexure P-6) to the respondents to extend the benefit of Ex-

gratia, but to no avail.

In their written statement, the respondents have taken a conscious decision vide communication dated 29.08.2011 (Annexure R-2/3) that payment of Rs.2.50 lacs to the PACS employees shall not be depending on the condition of accumulated profits available with the PACS.

In view of the above decision and the fact that the loan amount had already been recovered while releasing the gratuity and leave encashment as per Annexure R2/1, this petition is disposed of by giving a direction to Branch Manager, The Gajlana Cooperative Societies Ltd.-respondent No.2 to look into the legal notice dated 22.10.2012 (Annexure P-6) and pass appropriate order in accordance with law, within a period of two months.

12.04.2016
ajp

(RITU BAHRI)
JUDGE