

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.7920 of 2016

Date of decision: 28.4.2016

Rita Devi and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Sunny Singla, Advocate the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek benefit of release of family pension and the pensionary benefits on account of death of their husbands who were serving with respondent no.4-Nagar Council, Sangrur as Peon and Driver and expired on 14.6.2014 and 24.1.2015 respectively.

It is case of the counsel for the petitioners that various amounts in the range of ₹ 13 lacs to ₹ 14 lacs were due to the petitioners on account of retiral dues and they have received a sum of ₹ 2 lacs and ₹ 2.5 lacs respectively leaving the balance outstanding. The details of the amounts due and when received are mentioned in the tables below:-

"Sr. No.	Name	Gratuity	Leave encashment	Ex-gratia grant	Total dues
1.	Rita Devi	10,00,000	2,89,200	1,00,000	13,89,200
2.	Darshana Devi	10,00,000	3,74,020	1,00,000	14,74,020"

"Received amount	Balance amount	Cheque No. & amount received	Dated
2,00,000	11,89,200	(733365, Rs.2,00,000)	25.6.2014
2,50,000	12,24,020	(17366, Rs.1,00,000)	10.2.2015
		(38486, Rs.50,000)	13.1.2016
		(038770, Rs.1,00,000)	01.03.2016"

It is submitted that legal notice dated 15.1.2016 (Annexure P/2) has already been served upon the respondents for grant of necessary relief and for payment of interest on the delayed payment of pensionary benefits but no action is being taken.

Counsel for the petitioners submits that he would be satisfied if a direction is issued to the respondents to decide the said legal notice dated 15.1.2016 (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 3. Copies of the writ petition have been supplied to him.

Keeping in view the limited relief sought by the petitioners, 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 respondents no.2 and 3 to take into consideration the said legal notice dated 15.1.2016 (Annexure P/2) and ensure that respondent no.4 disburses the retiral dues and family pension within a period of two months from the date of receipt of certified copy of this order. The said respondents shall also take into consideration the right of the petitioners with regard to grant of interest on delayed payment in of view the Full Bench decision in **A.S. Randhawa Vs. State of Punjab 1998(1) S.C.T. 343** and pass a speaking order regarding this aspect. In case any adverse order is to be passed then a reasoned order be passed by the said respondents and be conveyed to the petitioners.

April 28, 2016
Pka

(G.S.SANDHAWALIA)
Judge