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

**CM No.11266-CWP of 2017 in/and
CWP No.16233 of 2016 (O&M)
Date of decision: August 18, 2017**

Usha (through her legal heirs)

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet K. Bansal, Advocate
for the applicant/petitioner.

Ms. Devaki Anand Sullar, AAG, Punjab
for respondents No.1 to 3-State.

Mr. Aman Sharma, Advocate
for respondent No.4.

JASPAL SINGH, J.(ORAL)

CM No.11266-CWP of 2017

Application is allowed as prayed for.

Annexures P-5 to P-8 are taken on record.

CWP No.16233 of 2016 (O&M)

By virtue of the civil writ petition preferred by Smt. Usha under Article 226 of the Constitution of India has sought issuance of a writ in the nature of mandamus directing the respondents to release the remaining pension, gratuity, leave encashment, provident fund etc. along with interest @ 18% per annum from the day it became due till its actual payment to the petitioner.

During pendency of the instant civil writ petition, Smt. Usha was taken away by the nature and her legal heirs were brought on record.

She is survived by her husband Om Parkash and four children, namely, Rekha, Pooja (daughters), Bittu and Parveen (sons).

At the very outset of the arguments, it has been submitted by learned counsel for the petitioners that the family pension has already been released in favour of Om Parkash as per the compromise arrived at amongst the LRs of Smt. Usha whereas other retiral benefits are to be disbursed to her both the sons as well as both the daughters in equal shares.

Learned counsel Mr. Aman Sharma, representing respondent No.4-Municipal Council, Ferozepur City, has submitted that respondent No.4 is ready to deposit the amount of retiral benefits accrued on account of death of Smt. Usha as directed by this Court. Accordingly, the instant petition is disposed of with direction to respondent No.4-Municipal Council to release/disperse the gratuity, leave encashment, provident fund, ex gratia etc. whatever is due amongst Rekha, Pooja, Bittu and Parveen in equal shares within one month from the date of receipt of certified copy of this order. If the amount is not deposited within stipulated period of one month, it will entail interest @ 9% after three months from the date of retirement till the demise of petitioner i.e. 2nd October, 2016.

August 18, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No