

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

**CWP No. 12955 of 2017  
Date of Decision: 02.06.2017**

Smt. Krishna & others

...Petitioners

Vs.

Union of India & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Kamalpreet Bawa, Advocate,  
for the petitioners.

**RAJIV NARAIN RAINA, J. (Oral)**

A letter from an Advocate in response to a legal notice is not an order passed by the competent authority which is binding on the rights of the petitioner when it is adverse to his interest. A reply to the notice cannot be treated as an order of the respondent New India Insurance Company Limited, which is an authority under the State and amenable writ jurisdiction. If such a practice has grown in the respondent-company for settling rights of aggrieved persons through a reply to a notice it deserves to be remedied and stamped out. Otherwise, the Court may be misled to treat such a reply as an order passed by the competent authority and issue process by motion. I have already deprecated such practice in a Court.

The petitioner has approached this Court seeking appointment on compassionate ground on account of death of her husband in harness in 2014. He served the respondent-Insurance Company as a Sweeper. Apart from *ex gratia* appointment, she has claimed family pension in a representation on which issue her case is pending with the respondent demanding re-deposit of contributions of the Provident Fund amount in a

sum of ₹1 lakh and odd for activating family pension, which PF amount was paid to her on March 27, 2017 at the time of death of her husband with 6% simple interest per month as a condition precedent to become eligible for monthly family pension.

Without expressing any opinion on the merits of the case it is deemed appropriate to issue directions to respondents No.2 and 3 to pass an order on the two requests made in the representations Annex P.3 and P.4 and the legal notice Annex P.7 by ignoring the communication dated April 24, 2017 received by the petitioner from the advocate as it cannot be treated as an impugned order and thus it is only an expression of opinion by a Lawyer on receiving instructions from the respondent company. In passing a fresh order, the petitioner would be heard personally or through authorized agent who can present her case properly before the competent authority. Thereafter, a speaking order be passed containing reasons for the conclusions and the same be conveyed to the petitioner without delay. In case the claim is found genuine, then further action can be processed by the respondent company. The final decision be taken within two months from the date of receipt of certified copy of the order.

With these observations, this petition stands disposed of.

(RAJIV NARAIN RAINA)  
JUDGE

02.06.2017  
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*Whether speaking/reasoned*

*Yes*

*Whether reportable*

*No*