

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

CWP No.16888 of 2017

Date of decision: August 01, 2017

Babbal

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the retirement-cum-service benefits of the deceased/mother of the petitioner Smt. Kalasho Devi wife of Sh. Natha Ram who was serving in the Municipal Council Abohar as Safai Sewika, along with interest for delayed period and for which a legal notice (Annexure P-5) dated 29.05.2017 has also been submitted by him.

The mother of the petitioner was taken away by nature while in service on 20th July, 2016 but so far the benefits have not been released as submitted by learned counsel for the petitioner. Even a legal notice dated 29th May, 2017 was also served upon the respondents but till date neither any response has been received to the aforesaid legal notice nor the benefits have been released to the petitioner and other legal heirs of Smt. Kalasho Devi (since deceased). Learned counsel further contends that petitioner feels satisfied in case direction is given to respondent No.4-

The Municipal Council Abohar through its Executive Officer, Abohar,

District Fazilka to consider the claim of the petitioner as well as the other legal heirs of deceased Smt. Kalasho Devi.

The instant petition is disposed of with direction to respondent No.4-Municipal Council Abohar through its Executive Officer to look into the grievances unfolded by the petitioner in his legal notice dated 29.05.2017 (Annexure P-5) and to take a conscious decision within a period of three months from the date of receipt of certified copy of this order.

Respondent No.4 is further directed to consider the grant of interest in view of judgment of Full Bench passed in RSA No.3511 of 2013 titled as *R.S. Randhawa Vs. State of Punjab and others* as well as this Court passed in CWP No.2883 of 1997 decided on 16.05.1997 titled as *A.S. Randhawa Vs. State of Punjab* and in case the concerned authority comes to the conclusion that the petitioner as well as other legal heirs are entitled to the benefits claimed by them, to release/disburse the same within next 45 days.

Disposed of.

August 01, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No