

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22929 OF 2017
DECIDED ON: DECEMBER 18, 2017

HARBANS KAUR AND OTHERSPETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bhupinder Ghai, Advocate for the petitioners.

Ms. Devaki Anand Sullar, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ especially in the nature of mandamus directing the respondents to release the retiral benefits accrued on account of demise of Harnam Singh in favour of the petitioners.

2. The contention of learned counsel for the petitioners is that the husband of petitioner No.1, namely Harnam Singh stood retired on 31.08.1982 as Welder from Punjab Roadways, Ludhiana. Immediately, after his retirement, he went missing. Though, lot of efforts were made to trace out his whereabouts but no clue was received. Since, then, he was not heard dead or alive.

3. Learned counsel for the petitioners submits that various representations were moved oral as well as in writing by petitioner No.1 seeking retiral benefits accrued on account of retirement of her husband but till date

nothing has been done by respondent No.2 or any other authority.

4. Learned counsel for the petitioners submits that petitioners feel satisfied in case direction is issued to respondent(s) to consider the case of the petitioners.

5. Accordingly, without expressing any opinion on the merits and considering the fact that husband of petitioner No.1 is presumed to be dead as he has not been heard after the date of his missing i.e. in the year 1982, the petitioners being widow and children of deceased are entitled to the benefits. The instant petition is treated as representation and the same is disposed of with the direction to respondent No.2-General Manager, Punjab Roadways Ludhiana to look into the grievances unfolded by the petitioners in this writ petition and take a conscious decision, within a period of three months from the date of receipt of certified copy of this order.

6. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

7. However, if the petitioners still feel aggrieved against any of the order(s) passed by the concerned authority, they shall be at liberty to approach this Court.

DECEMBER 18, 2017
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***