

CWP No. 23827 of 2017

DECIDED ON: OCTOBER 23, 2017

RAJ RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amrainder Singh, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of writ in the nature of mandamus directing the respondents to release the service benefits i.e. pensionary as well as retiral benefits, ex-gratia amount, leave encashment and gratuity etc. accrued to the husband of the petitioner namely Surinder Kant (since deceased) to her along-with interest @ 24% per annum till its realization.

2. At the very outset, learned counsel for the petitioner submits that her husband stood retired on August 31, 2016 on attaining the age of superannuation but nothing was paid to him at the time of his retirement. Even, he breathed his last on May 15, 2017. Thereafter, a legal notice dated July 17, 2017 (Annexure P-1) was also served upon the respondents but no action has been taken. Even, respondents did not prefer to give reply to the afore-said legal notice what to talk about the release of retiral benefits of the deceased employee.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in her legal notice dated July 17, 2017 (P-1) and to take a conscious decision in accordance with law within a period of three months from the date of receipt of certified copy of this order. In case respondent No.2 comes to the conclusion that petitioner is entitled to the relief(s) claimed by her, to release the same within next 45 days. However, the matter with regard to grant of interest on delayed payments be also considered in view of observations made by Full Bench of this Court in case captioned as **“A.S. Randhawa vs. State of Punjab and others; 1997 (3) SCT 468** and by this Court in CWP No. 8772 of 2015 titled as **Charan Dass vs. State of Punjab & others;** decided on July 11, 2017. However, if the petitioner still feels aggrieved by any order of the afore-said authority, she shall be at liberty to approach this Court.

OCTOBER 23, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*