

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26232 OF 2017
DECIDED ON: NOVEMBER 16, 2017

RAJ AND ANOTHER

....PETITIONERS..

VERSUS

STATE OF PUNJAB AND ORS.

....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Hardeep Singh Dhindsa, Advocate
for the petitioner.

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 in the nature of mandamus, directing the respondents to release all the due benefits, including pension and other pensionary benefits of the husband/father of the petitioners respectively, who died while in service on 18.03.2017.

2. The contention of learned counsel for the petitioner is that Raj Kumar, husband of petitioner No.1 and father of petitioner No.2 had been working as a Safai Sewak in Municipal Council Dhariwal, District Gurdaspur since 1976, who was unfortunately taken away by the nature during his service on 18.03.2017 but till date no benefits accrued on account of untimely demise of Raj Kumar has so far been extended to either of the petitioners. Even, legal notice dated 29.10.2017 (Annexure P-2) duly served upon the respondents has

not so far been considered and decided. He submits that petitioners feel satisfied in case direction is issued to respondent No.4 to consider the legal notice and make the payment of the necessary dues to the petitioners, within a stipulated period.

3. Without expressing any opinion on the merits of the case and considering the aforesaid aspects, the instant petition is disposed of with a direction to respondent No.4- Executive Officer, Municipal Council Dhariwal, District Gurdaspur to consider the case of the petitioners unfolded by the petitioners in their legal notice dated 29.10.2017 (Annexure P-2) and to take a conscious decision in the light of Service Rules, Regulations and notifications within a period of three months from the date of receipt of certified copy of this order. If the concerned authority comes to the conclusion that petitioners are entitled to the relief claimed, to release the same within a period of next one month.

4. However, if the petitioners still feel aggrieved against the order passed by the concerned authority, they shall be at liberty to approach this Court.

NOVEMBER 16, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*