

CWP No. 26506 of 2017

DECIDED ON: NOVEMBER 21, 2017

INDER RANI

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release her full pension and gratuity on account of death of her husband, as respondent NO.4 attained majority and as per Rule 62 of Haryana Civil Services (Pension) Rules, 2016, petitioner alone is entitled to full pension along-with interest @ 18% per annum on the delayed payment(s) with further direction to consider and to take a final decision on the representations dated January 19, 2017, May 23, 2017 and June 28, 2017 (P-4 to P-6), by passing a speaking order within some stipulated period.

2. Learned counsel for the petitioners has submitted that husband of the petitioner died on January 13, 2014 while in service leaving behind the legal heirs i.e petitioner as well as respondent No.4, who was born from his previous

wife. He has further submitted that now the respondent NO.4 has attained the majority and he is not entitled to any pension, as per Rule 62 of Haryana Civil Service (Pension) Rules, 2016. Respondent No.4 was entitled to 50% of pension till he attained the majority, which he had already attained and as such he is not entitled to any pension and other retiral benefits. He further submitted that though representations dated January 19, 2017, May 23, 2017 and June 28, 2017 (P-4 to P-6) were made by the petitioner but till date neither any reply to the said representations has been received nor any conscious decision has been taken. He further submits that he feels satisfied in case a direction is issued to official respondents to consider and decide the latest representation (P-6) in a time bound manner.

3. Accordingly, instant petition is disposed of with a direction to official respondents to look into the grievances unfolded by the petitioner in her representation (P-6) and to decide the same in accordance with law, rules and instructions issued by the Government from time to time, within a period of three months from the date of receipt of certified copy of this order.

4. However, in case petitioner still feels aggrieved by any order of the afore-said authority, she shall be at liberty to approach this Court.

NOVEMBER 21, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>