

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

Sr. No.120

Civil Writ Petition No.26991 of 2017
DECIDED ON: November 28, 2017

SONA DEVI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ishan Singh Cooner, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to count the daily wages service of Tara Chand (deceased) followed by the regular basis for the purpose of revised pensionary benefits and release the arrears with interest.

2. The contention of learned counsel for the petitioner is that husband of the petitioner namely Sh. Tara Chand was appointed on work charge basis as Assistant Line Man and his services were regularized on April 14, 1979. Undisputably, husband of the petitioner was untimely died on February 02, 2000 due to electrocution while on duty. But the period from May 01, 1970 to April 14, 1979 of deceased Tara Chand was not counted towards pensionary benefits.

3. Learned counsel for the petitioner submits that though a legal notice dated May 12, 2017 (P-2) was moved to the respondents but till date,

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no action has been taken. He further submits that petitioner feels satisfied in case direction is given to respondents, to decide the aforesaid legal notice, within a stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated May 12, 2017 (P-2) and to take a conscious decision by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to her within a period of next 30 days. Factum of interest in view of judgment passed by Full Bench of this Court in case **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as **Charan Dass vs. State of Punjab & Ors.** decided on July 11, 2017, shall also be considered on delayed payment(s).

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, she shall be at liberty to approach this Court.

November 28, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No