

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 3005 of 2017

Date of Decision: March 3, 2017

Amarjit Kaur and others

.....Petitioners

Vs.

UOI and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.K.S. Kahlon, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

Petitioner No.1 claims that she is legally wedded wife of respondent No.4 who is serving in 7th Battalion, Indo Tibetan Border Police Force, Mirthi. Through instant writ petition, the petitioner seeks a writ in the nature of mandamus directing the respondents to pass an appropriate order for payment of maintenance of sum of Rs.20000/- to the petitioners from the salary of HC Mukhtar Singh, respondent No.4 in the light of Section 61 (1) of the Indo Tibetan Border Police Force, Act, 1992.

A perusal of the above said provisions indicates that the deduction can be made from the pay and allowances of persons who are

subjected to the above said Act, in case directed by Central Government or any prescribed officer. It appears that till date there is no direction by any authority for making the said deductions. In this context, the petitioner appears to have sent a legal notice annexure P-10, dated September 23, 2016, pursuant to the earlier observations dated August 16, 2016 of this Court.

Without expression of any opinion and without prejudice to the rights of the petitioners to avail other alternative remedies, this petition is disposed of with a direction to the Director General of Police, Indo Tibetan Board Police Force to take a decision on the legal notice dated September 23, 2016, annexure P-10 in the light of the averments made therein within a period of 2 months after the receipt of a certified copy of the order. It will be the responsibility of petitioner No.1 to forward a copy of the writ petition along with certified copy of the order to the competent authority.

March 3, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.