

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.330 of 2017

Date of Decision: 16.02.2017

SUKHWINDER KAUR AND ORS.

... Petitioners

Vs.

UNION OF INDIA AND ORS.

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ranjit Sharma, Advocate
for the petitioners.

Mr. Parminder Singh Kanwar, Sr. Panel Counsel
for respondent No.1-UOI.

Mr. Harchand Singh Batth, Advocate
for respondent No.3.

RAJIV NARAIN RAINA, J. (Oral)

Learned counsel appears on behalf of respondent No.3 and files vakalatnama, which is taken on record.

Heard the learned counsel of UOI and the private respondent and Mr. Ranjit Sharma and after hearing them I do not feel it justified to continue with the ex parte interim order restraining the respondents from releasing retrial/pensionary benefits other than provisional pension/pension to 3rd respondent. It is not disputed that the private respondent is retiring from Army service on 28.02.2017.

On a query put to Mr. Ranjit Sharma as to the status of the petitioner, the Court is informed that she lives in her parental village in Bathinda District with two minor daughters. It is pointed out by UOI that there is an admission in para 8 of the writ petition that the petitioner is in receipt of Rs.11,840/- per month, which were deducted from the salary of

the petitioner every month.

Learned counsel of UOI informs that the petitioner has filed proceedings under Domestic Violence Act and other proceedings and the petitioner is in receipt of interim maintenance @ Rs. 5,000/- per month. The petitioner is in execution of that order. Since the parties are in litigation, both civil and criminal, then the petitioner can always claim her dues from the Courts below. There is no need to keep this matter pending and therefore not only stay is vacated but also the main petition is dismissed as it involves no question of law returnable by this court.

(RAJIV NARAIN RAINA)
JUDGE

16.02.2017
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No