

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

CWP No. 7092 of 2017 (O&M)

Date of Decision: 05.04.2017

SATTO

... Petitioner

V/s.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anand Bhardwaj Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India for issuance of writ of mandamus for directing the respondents to release the pension or monthly financial assistance equal to the last drawn salary of her husband alongwith ex-gratia assistance of ₹ 25,000/- in view of Rule 5 (4) of notification dated 01.08.2006 (*Annexure P-5*).

Brief facts of this case are that the deceased-husband of the petitioner was working as a Head Teacher with the respondent and he was 75% handicapped. As per the instructions of the Government dated 31.01.2006 (*Annexure P-2*), he was to retire from service after attaining 60 years of age. However, he expired on 26.06.2011 i.e. one year prior to the date of his superannuation. The petitioner has not got any retiral benefits or financial assistance for the period between the date of death of her husband and the date of superannuation.

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It comes out that the petitioner has served a legal notice dated 14.03.2016 (*Annexure P-7*) addressed to respondents No. 2 to 4. Now, the short prayer of the petitioner is that respondent No. 2 may be directed to decide the aforesaid legal notice of the petitioner within a specific time frame.

In the circumstances, without issuing notice to the respondents the present writ petition is disposed of, with a direction to respondent No. 2 to decide the aforementioned legal notice dated 14.03.2016 (*Annexure P-7*) of the petitioner by passing a speaking order within a period of two months from the date of receipt of certified copy of this order. If it is found that there is no legal impediment in releasing the benefits to the petitioner as claimed in the writ petition, the same shall be released forthwith but not later than two months. In case, any adverse order was passed, the petitioner is always at liberty to approach this Court.

April 5, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	<i>No</i>
			✓
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>