

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

Sr. No.112

Civil Writ Petition No.11980 of 2018
DECIDED ON: May 14, 2018

KAMLA DEVI

..PETITIONER

VERSUS

**HARYANA URBAN DEVELOPMENT AUTHORITY, SECTOR 6,
PANCHKULA AND OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Atul Yadav, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to reimburse the actual medical claim of her husband i.e. Rs.3,00,000/- along with interest @ 18% per annum AND to grant 2nd ACP to her husband w.e.f. 31.10.2011 along with arrears and interest as well as to consider and take a final decision on the legal notice dated 26.07.2016 (P-2) within some stipulated period.

2. Learned counsel for the petitioner contends that husband of the petitioner namely Sh. Budh Ram retired from service as Truck Driver on 30.11.2012 on attaining the age of superannuation and he was entitled to 2nd ACP w.e.f. 31.10.2011 on completion of 20 years but the same was not granted to him. Husband of the petitioner made repeated requests to the

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respondents to grant him 2nd ACP but no final decision has been taken by them. Unfortunately, husband of the petitioner was taken away by the nature on 07.12.2013. After the death of her husband, petitioner made a legal notice dated 26.07.2016 (P-2) as well as reminder dated 05.12.2017 (P-3) to respondent No.2 but till date no conscious decision has been taken so far.

3. Learned counsel for the petitioner further submits that she feels satisfied in case a direction is issued to respondent No.2 to decide the legal notice dated 26.07.2016 (P-2) within some specified period.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents particularly respondent No.2 – Estate Officer, Haryana Urban Development Authority, Sector 14, Gurugram to consider the grievances unfolded by the petitioner in the legal notice dated 26.07.2016 (P-2) and to take a conscious decision by passing a speaking order as per rules and instructions issued by the Government from time to time, within a period of three months from the date of receipt of a certified copy of this order.

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, she shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

May 14, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**