

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

Sr. No.125

Civil Writ Petition No.13669 of 2018
DECIDED ON: May 28, 2018

ASHA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajeev Dev Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the complete retiral/service benefits of deceased her husband such as Gratuity and General Provident Fund with arrears along with interest on the delayed payment of all the pensionary benefits and other arrears from the date when it became due, till its realization in view of Full Bench judgment of this Court in *A.S. Randhawa vs. State of Punjab & ors. reported as 1997 (3) SCT 468*.

2. The contention of learned counsel for the petitioner is that husband of the petitioner was appointed as Clerk with the respondents department on 29.12.1994 and expired in harness on 13.07.2017 while in service, though family pension has been granted after the demise of her husband yet other retiral benefits i.e. Provident Fund and Gratuity have not

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so far been released. Even representation dated 30.03.2018 (P-2) moved by the petitioner neither file any reply nor the benefits have since been released. At this juncture, learned counsel for the petitioner feels satisfied in case a direction is issued to respondents to decide the aforesaid representation (P-2), within stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the representation dated 30.03.2018 (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 certified copy of this order. If, there is no legal impediment, to release the necessary benefits within next 45 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 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s) from the death of husband of the petitioner.

4. However, in case petitioner still feels aggrieved by any order of the afore-said authorities, she shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

May 28, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**