

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

Sr. No.129

Civil Writ Petition No.16960 of 2018
DECIDED ON: July 13, 2018

BHAGWANI DEVI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surender Pal, 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 in the nature of Mandamus directing the respondents No.2 to 5 to release all monetary benefits (along with interest) of her husband namely Late Sh.Balkishan including pension, as despite of passing of about 9 years from the date of husband of the petitioner had retired, but till no benefits have been released.

2. Learned counsel for the petitioner contends that though a legal notice dated 16.02.2018 (P-10) was made to the respondents but till date no final decision has been taken thereof. He further submits that petitioner feels satisfied in case a direction is issued to respondents particularly respondents No.3 & 4 to decide the aforesaid legal notice (P-10), in a time bound manner.

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3. Instant petition is disposed of with a direction to respondents particularly respondents No.3 – Excise and Taxation Commissioner, Haryana, Vanijya Bhawan, Plot Nos.1-3, Sector 5, Panchkula, District Panchkula and No.4 – Deputy Excise and Taxation Commissioner (X), Sonapat, District Sonapat, to consider the grievances unfolded by the petitioner in the legal notice dated 16.02.2018 (P-10) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice (P-10), within a period of three months from the date of receipt of a certified copy of this order. If there is no legal impediment, to calculate and release the same 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.1/2(152) 01-2 FR II dated 20.02.2002 issued by the Government of Haryana, be also considered on delayed payment(s).

4. 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 remedies available under law and/or to approach this Court.

July 13, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**