

CWP No. 22634 of 2016 (O&M)
DECIDED ON: SEPTEMBER 28, 2018

DAVINDER SINGH (MINOR TH. GUARDIAN) & ANR

.....PETITIONERS

VERSUS

THE PRINCIPAL SECRETARY PUNJAB DEPARTMENT OF HOME
AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.R. Punia, Advocate and
Mr. TPS Bhatti, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

JASPAL SINGH, J (ORAL)

CM No. 8604 of 2018

Learned counsel for the applicant submits that the instant application has been rendered infructuous.

Dismissed as having been rendered infructuous.

CM No. 8602 of 2018

This is an application for impleading applicant-Deepak Singh as petitioner No.2.

In view of averments made in the application the same is allowed and Deepak Singh is impleaded as petitioner No.2.

CM No. 8603 of 2018

Application is allowed, as prayed for.

Compromise dated 03.10.2017 as well as letter dated 27.04.2018 is taken on record as Annexures P-2 and P-3 respectively. Be tagged at appropriate place.

CWP No. 22634 of 2016

Through the instant petition preferred under Articles 226/227 of the Constitution of India, petitioner No.1, who was minor at the time of filing of instant petition has now attained majority, has sought the issuance of a writ through his natural guardian in the nature of mandamus directing the respondents to release the pensionary benefits i.e. leave encashment, gratuity, family pension, GPF etc along-with interest @ 18% per annum on account of sudden and unfortunate demise of his mother on 22.11.2004.

2. At the very outset of arguments, it is submitted by learned counsel for the petitioners that a representation dated 02.07.2016 (P-1) was moved to respondents No.2 and 3 by petitioner No.1-Davinder Singh for the release and disbursement of various service benefits accrued to Sukhwinder Kaur (deceased). Concededly, no action has so far been taken by any of the respondents and today, learned counsel for the petitioners submits that they feel satisfied in case a direction is issued to respondents to consider the claim of the petitioners set up in the representation dated 02.07.2016 (P-1) within some stipulated period and to release the benefits to the person who are entitled to it.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2 and 3 to consider the claim of the petitioners set up in the representation dated 02.07.2016 (P-1) with

regard to the disbursement of benefits accrued to them on account of sudden demise of Sukhwinder Kaur-deceased who breaths last on 22.11.2004, within a period of two months from the date of receipt of certified copy of this order and if comes to the conclusion that petitioners are entitled to the relief claimed through the representation (P-1) the same shall be released/disbursed to them within next one month.

4. In case of non-compliance of afore-said direction, petitioners are entitled to interest @9% per annum from the date of institution of instant petition till actual realization.

5. However, in case petitioners still feels aggrieved by any of the orders passed by the authorities, they are at liberty to have recourse to other remedies available under the law as well as to approach this Court.

SEPTEMBER 28, 2018
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No