

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

Civil Writ Petition No.1868 of 2018
DECIDED ON: May 16, 2018

ASHA KUMARI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.L. Bajaj, 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 to release the remaining pensionary benefits i.e. leave encashment, gratuity and general insurance etc. along with interest @ 12%.

2. The contention of learned counsel for the petitioner is that grant of pensionary benefits were being delayed by the respondents just for the reason that service book of the petitioner was not available and annexed with the file of RSA No.1866 of 2003 titled as *State of Punjab & ors. vs. Asha Kumari*, pending in this Court. The certified copy of service book of the petitioner has already been obtained and submitted in the office of Executive Engineer, Punlic Works Department, Division Ferozepur, Zila

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Parishad Complex, Ferozepur along with an application 09.04.2018, which has been duly received in the aforesaid office on 09.04.2018. He further submits that petitioner feels satisfied in case a direction is issued to respondents to consider her case for grant of pensionary benefits and take a conscious decision in a time bound manner.

3. Without expressing any opinion on the merits, instant petition is disposed of with a direction to respondents particularly respondent No.4 - Executive Engineer, Panchayati Raj, Public Works Department, Division Ferozepur, Zila Parishad Complex, Ferozepur to consider the grievances unfolded by the petitioner in her legal notice dated November 28, 2017 (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 a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to her within a period of 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).

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, she shall be at liberty to approach this Court.

May 16, 2018

Ankur

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**

**(JASPAL SINGH)
JUDGE**