

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20681 OF 2018
DECIDED ON: AUGUST 20, 2018

KAUSHALYA DEVI

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Peeush Gagneja, Advocate,
for the petitioner.

JASPAL SINGH, J (Oral)

By virtue of instant petition preferred under Article 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 remaining retirement-cum-service benefits of the deceased husband of the petitioner along with interest @ 18% per annum for delayed period and for which a legal notice dated 28.05.2018 (P-5) has also been submitted.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner namely Pale Ram @ Pali Ram was working as Safai Sewak, who was taken away by the nature on 05.10.2015 and only paltry amount of Rs.2 lac approximately has been paid on account of retiral benefits whereas the petitioner is entitled to the benefit to the extent of Rs.7-8 lacs.

Even, son of the petitioner has already been appointed on compassionate ground

on account of demise of his father but the amount accrued to the petitioner on account of untimely demise of her husband, has not been released/disbursed so far. Constrained against the in action of the respondents, petitioner served legal notice dated 28.05.2018 (P-5) upon the respondents but till date neither any response has been received nor any conscious decision has been taken. He further submits that petitioner feels satisfied in case direction is issued to respondent(s) to deal with and dispose of legal notice (P-5), within a stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to respondent(s) to consider the claim of the petitioner put forth by her in legal notice dated (P-5) and to take a conscious decision, in accordance with law within a period of three months from the date of receipt of certified copy of this order. If there is no legal impediment, to make the payment within a period of next one month.

4. However, if the petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, she shall be at liberty to approach this Court as well as to have recourse to the other remedies available under law.

AUGUST 20, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***