

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20804 OF 2018
DECIDED ON: AUGUST 20, 2018

KAILASH RANI

.....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

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 all the remaining service benefits such as balances of leave encashment, gratuity and all other benefits, along with interest @ 18% per annum, for delayed period and for which a legal notice dated 09.07.2018 (P-4) has also been submitted.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner namely Mukhtiar Chand, who was retired as Junior Engineer in Municipal Council, Jalalabad, District Fazilka and superannuated on 31.12.2016, however, the benefits were not released either on the date of his retirement or subsequent thereto within a reasonable time. He breathed his last on 06.12.2017. Though, petitioner being the wife of deceased Mukhtiar Chand made several requests to the respondents for the release of the remaining

benefits but till date nothing has been paid. Constrained against the in action of the respondents, petitioner served legal notice dated 09.07.2018 (P-4) upon the respondents but till date no conscious decision has been taken.

3. At this juncture, learned counsel for the petitioner feels satisfied in case direction is issued to respondent(s) to deal with and dispose of legal notice, within a stipulated period.

4. 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 09.07.2018 (P-4) 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 45 days.

5. The claim with regard to interest on delayed payment of remaining retiral benefits of the husband of the petitioner shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “***R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** as well as ***Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.***

6. However, if the petitioner still feels aggrieved against any of the order 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***