

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21597 of 2018
Date of Decision : 10.12.2018

Devinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner is widow of Gurbinder Singh, who retired from service from the Department of Rural Development and Panchayat, Punjab on 31.01.2016.

As per the averments which have been made in the present writ petition, the gratuity for which the husband of the petitioner was entitled for, though calculated but has not been paid. In support of the claim, the petitioner has attached an order dated 12.05.2016 (Annexure P-1) passed by the Office of Additional Deputy Commissioner (Development) Sangrur (Punjab), wherein the DCRG payable to the husband of the petitioner has been calculated and sanctioned as well.

Learned counsel for the petitioner states that even the person, who retired after Gurbinder Singh, have been released all the benefits but the gratuity in case of the petitioner has been withheld without any valid

justification and hence, the petitioner is entitled for not only release of the sanctioned gratuity but interest on the delayed payment of the gratuity as well. Learned counsel further states that in this regard, a legal notice dated 20.06.2018 (Annexure P-4) has been served by the petitioner to the respondents but the same is still pending consideration and the petitioner will be satisfied at this stage, in case a direction is given to the respondents to decide the legal notice by passing a speaking order in a time bound manner.

Learned counsel for the respondents has no objection for the grant of prayer as made by the petitioner with regard to decide the legal notice by passing appropriate order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 20.06.2018 (Annexure P-4) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to her within a period of next three months.

This Court expects that the legal notice will be decided in view of the judgment of Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab***, 1997 (3) SCT 468 as well as by another judgment of this Court in ***J.S. Cheema Vs. State of Haryana and others***, 2014(13) RCR(Civil) 355, wherein an employee has been held to be entitled for the interest on the

delayed payments. The aforesaid judgments be kept in mind while deciding the legal notice.

The writ petition stands disposed of.

December 10, 2018
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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