

**134/4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2516 of 2018
DECIDED ON: FEBRUARY 05, 2018**

JYOTI KUMARI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Garg, Advocate
 for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits accrued to her on account of death of her husband along-with interest @18% on the delayed payment(s) from the date it became due.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner died in harness on December 24, 2014 but till date nothing has been paid to her. There is no departmental or judicial proceedings pending against the husband of the petitioner. Petitioner constrained to serve a legal notice dated December 18, 2017 (P-1) upon the respondents, which also did not fetch any reply. He further submits that he feels satisfied in case a

direction is issued to respondents to consider and decide the afore-said legal notice (P-1) within a time bound manner.

3. In view of afore-said facts and circumstances, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (P-1) and to decide the same in accordance with law, rules and regulations after verifying the legal heirship of the deceased within a period of three months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief so claimed through the legal notice and there is no legal impediment, to release the same within next 45 days.

4. The claim with regard to interest on delayed payment(s) shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “*A.S. Randhawa v. State of Punjab*”, 1997 (3) RSJ 318 as well as by this Court in CWP No. 14726 of 2016, titled as Megh Singh vs. Registrar Cooperative Societies, Punjab, Chandigarh and others, decided on February 01, 2018.

5. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, she shall be at liberty to approach this Court.

FEBRUARY 05, 2018
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(JASPAL SINGH)
JUDGE

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