

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-4128-2017

Date of decision: - 17.12.2018

Prabhjit Kaur and another

....Petitioners

Versus

Punjab State Warehousing Corporation and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tahaf Bains, Advocate
for Ms. Jagdeep Bains, Advocate,
for the petitioners.

Mr. Karan Singla, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioners, who are the legal heirs of late Sh. Phulwinder Singh, are seeking the release of the benefits for the service which Sh. Phulwinder Singh had served with the respondents i.e. Punjab State Warehousing Corporation.

It has been admitted that during the pendency of the writ petition, all the benefits for which the legal heirs of late Sh. Phulwinder Singh were entitled for, have been released.

Counsel for the petitioners states that Sh. Phulwinder Singh died on 07.06.2014 and the respondents have taken approximately four years to release the same for which the petitioners are entitled for the

interest as there was no justifiable reason with the respondents to withhold the same.

Counsel for the respondents states that while accepting the pensionary benefits, an undertaking has been given by the petitioners to withdraw the present writ petition.

Be that as it may, the undertaking given without knowing their legal rights, will not be enforceable by the respondents, in case they have made the payments after unexplained delay. Therefore, the petitioners are given liberty to make a representation to the respondents for claiming interest on the delayed payments. In case, any such representation is filed by the petitioners within a period of four weeks from today, the respondents shall decide the same within a period of eight weeks thereafter. It is directed that the undertaking shall not be taken into account while deciding the said case and the same shall be decided on merits as to whether, there was any delay on the part of the respondents for making the payments for which the legal heirs of late Sh. Phulwinder Singh were entitled for.

In view of the above, the present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 17, 2018
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Whether reasoned/speaking?	Yes
Whether reportable?	No