

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

CWP-29982-2018

Date of decision: - 28.11.2018

Sheela

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ram Niwas Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is a widow of Rajbir Singh, who was working as a Clerk with the respondents. Unfortunately, husband of the petitioner died on 13.05.2017. At the time of death, husband of the petitioner was working as a Clerk.

It has been contended by counsel for the petitioner that certain clerks, who were juniors to husband of the petitioner, had approached this Court for the grant of promotion which was being denied on the ground that they were not eligible on account of non-passing of the type test. The relief was given to the similarly situated persons, which was implemented by the respondents only in respect of the persons, who had approached this Court and in this regard the orders were passed starting

from Annexures P-8 to P-11. As the persons, who were juniors to husband of the petitioner, had already been promoted, the prayer has been made that husband of the petitioner should also be given deemed date promotion from the date the juniors were promoted. After the grant of said relief, the petitioner will become entitled for higher death-cum-retiral gratuity and other benefits.

Counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served a legal notice on 20.08.2018 (Annexure P-13), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 20.08.2018 (Annexure P-13) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

November 28, 2018

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Whether reasoned/speaking?

Yes

Whether reportable?

No