

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

Sr. No.123

Civil Writ Petition No.4040 of 2018
DECIDED ON: February 20, 2018

LALI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anoop Singla, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to release ex-gratia benefits i.e. GPF, PPF, Leave Encashment, gratuity to him as per the provisions of the Payment of Gratuity Act, 1972 and other arrears along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that husband of the petitioner namely Sh. Sham Lal joined the respondent-department on June 01, 1979 and expired on April 20, 2015 during his services. After the death of her husband, petitioner is entitled for GPF, PPF, Gratuity as per the provisions of the Pyament of Gratuity Act, 1972 and other service benefits arising out of the services rendered by her husband,

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but the same were not released to her. On December 14, 2017, petitioner served a legal notice to respondent No.4 but till date no conscious decision has been taken so far. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondent No.4, to decide the legal notice dated December 14, 2017 (P-3), within a stipulated period.

3. Without expressing any opinion on merits of the case, instant petition is disposed of with a direction to respondent No.4 to consider the various grievances unflooded by the petitioner in legal notice dated December 14, 2017 (P-3) and take a conscious decision by passing a speaking order, within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities arrive at a conclusion that petitioner is entitled to the relief(s) claimed, same be released to her within a period of next 45 days. Factum of interest in view of judgment passed by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as ***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s). In case, non compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under the law as well as to approach this Court.

February 20, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**