

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7593-2018

DATE OF DECISION: MARCH 27, 2018

BALA

...PETITIONER..

VS

STATE OF HARYANA AND OTHERS

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shvetanshu Goel, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondent authorities to treat Subhash as Civil dead and release the earlier service benefits including financial assistance benefits to the petitioner as per her entitlement with interest @ 18% per annum within stipulated period.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner was working as Sweeper on daily wages w.e.f. 30.01.1997. He earlier filed CWP No.16056 of 2002, which was disposed of vide order dated 07.10.2002 passed by this Court directing the respondents to consider his claim within a period of four months. Subsequent thereto, in pursuance to said order, no order was passed by the concerned authorities.

However, in the month of March 2008, husband of the petitioner gone missing

and DDR No.17, dated 31.03.2008 was got incorporated with police station K. Gate Kurukshetra. Even after an expiry of more than 9 years the whereabouts of the husband of the petitioner not known and under law he is presumed to be dead. After declaration of the husband of the petitioner Civil dead followed by gone missing, similarly situated persons preferred CWP No. 9080 of 2010 whereby their services were regularised. The petitioner is also squarely covered with the said judgment and on the basis of doctrine of parity, he also deserves the said benefit. The petitioner being widow of Subash, served the legal notice dated 26.02.2018(P-4) mentioning all the facts but till date the concerned authority neither responded the legal notice nor granted the benefit. He submits that petitioner feels satisfied in case a direction is issued to respondents to decide aforesaid legal notice (P-4) within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.4-Executive Officer, Municipal Council, Thanesar, Kurukshetra (Haryana) to look into the grievances unfolded by the petitioner in the legal notice (P-4) and to decide the same particularly in the light of various judgments referred to in the aforesaid legal notice, within a period of four months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the order(s) passed by the aforesaid authority, she shall be at liberty to approach this Court.

MARCH 27, 2018

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whether speaking/reasoned: Yes

whether reportable: Yes/No

(JASPAL SINGH)
JUDGE