

**CWP No. 9766 of 2018
DECIDED ON: APRIL 23, 2018**

REKHA RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surinder 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 her all the service benefits i.e. gratuity, leave encashment and GPF Amount accrued to her husband including arrears of revised pay scale, bonus and DA etc along-with interest @ 18% per annum on the delayed payment(s) thereof.

2. The contention of petitioner is that the husband of the petitioner died in harness on 06.06.2013 and after his death only an amount of ₹2,80,000/- has been paid to her towards service benefits and amount(s) on account of gratuity, leave encashment, GPF has not been paid to her till date. He further submits that neither any departmental nor any judicial proceeding is/was pending against the husband of the petitioner at the time of his death or at present, as per the

information of the petitioner. Petitioner constrained to serve legal notice dated 17.01.2018 (P-2) upon the respondents but till date neither any reply has been received nor any conscious decision has been taken on the said legal notice. At this juncture, learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued to respondents to consider and decide the legal notice (P-2) within some time bound manner.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 17.01.2018 (P-2) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice within a period of three months from the date of receipt of a certified copy of this order. In case, competent authority comes to the 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, be also considered on delayed payment(s).

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, she shall be at liberty to have recourse to other remedies available to her under law including to approach this Court.

APRIL 23, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>