

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

(127)

CWP-7783-2019

Date of Decision: March 20, 2019

Kuldeep Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Saguna Arora, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the husband of the petitioner was working with the respondents since 01.07.1992 and he continued working on work charge basis till July, 2007 when he unfortunately died while in service. It is only in the year 2011, the services of the husband of the petitioner were regularized w.e.f. 23.01.2001 and the petitioner has only been paid the benefits after the death of her husband starting from the year 2001 and the services which the husband of the petitioner rendered from the year 1992 till 2001, has not been taken into consideration.

Learned counsel for the petitioner states that as the services of the husband of the petitioner were being counted from 23.01.2001 and by the time he died, he has less than 10 years of service, hence no benefit has been extended to the petitioner whereas the work charge service, which the petitioner's husband rendered from the year 1992 till 2001, is liable to be taken into consideration for computing the pensionary benefits in view of the full Bench judgment of this Court in **Kesar Chand Vs. State of Punjab, 1988 (5) SLR 27.**

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 30.12.2018 (Annexure P-4) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 30.12.2018 (Annexure P-4) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 30.12.2018 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 30.12.2018 (Annexure P-4) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

March 20, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No