

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

(114)

CWP-8968-2019

Date of Decision: April 03, 2019

Sheela @ Sheela Jakob

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that the respondents conducted an enquiry in respect of the date of birth of the petitioner. As per the documents attached by the petitioner, the date of birth of the petitioner is 02.01.1962, whereas there was a complaint that her actual date of birth is 02.01.1960. After the allegation made in the complaint was verified, it was found that the actual date of birth of the petitioner is 02.01.1960 and therefore, the petitioner could have only continued in service till 31.01.2018 whereas actually petitioner continued performing the duties till 09.11.2018.

Learned counsel for the petitioner argues that the respondents have withheld the pensionary benefits of the petitioner on the ground that the petitioner was wrongly paid the salary from 01.02.2018 onwards till the order of her retirement was passed in November, 2018.

Learned counsel for the petitioner states that once the petitioner had worked on the post and the petitioner was paid and therefore, on the pretext of recovery of the salary from February, 2018 onwards till November, 2018, respondents cannot withhold the pensionary benefits.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a representation dated 05.02.2019 (Annexure P-5) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representation dated 05.02.2019 (Annexure P-5) 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 representation dated 05.02.2019 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 05.02.2019 (Annexure P-5) 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 representation, the same should also be paid to her within three months thereafter.

April 03, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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