

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9313-2019

Date of decision: - 08.04.2019

Neelam

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raman B. Garg, Advocate
with Ms. Gitanjali, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that husband of the petitioner was directly recruited as a Steno-Typist in the office of SDO (Civil), Mahendergarh on 04.09.1996 and till he died in the year 2013, not even a single increment has been given to him on the ground that he was required to pass some departmental examination.

Counsel for the petitioner further states that as per the rule governing the service, the husband of the petitioner fulfilled the requirement of direct recruitment and hence, he was appointed by way of direct recruitment in the year 1996 and non-grant of increment on the ground of passing of some departmental examination is not borne out of the rules governing the service.

Counsel for the petitioner further states that petitioner will not seek any arrears of salary, except the revision of family pension, which the petitioner is getting after the death of her husband, in case the

benefit of increment is granted in respect of the service rendered by her husband.

Counsel for the petitioner states that for the relief, which has been sought in the present writ petition, the petitioner has served the respondents with a legal notice on 05.07.2018 (Annexure P-5), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 05.07.2018 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that husband of the petitioner is entitled for any monetary benefit, the same shall also be released to the petitioner within a period of next three months.

Further, in case the husband of the petitioner is found entitled for the relief, as per the undertaking given, as recorded above, the petitioner shall not be entitled for any arrears of salary except refixation of family pension.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

April 08, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No