

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9753-2019

Date of decision: - 11.04.2019

Shinder Kaur

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Premjit Kalia, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that Dearness Allowance was not being paid to the petitioner while granting her family pension by the respondents in view of the instructions dated 09.05.2002 (Annexure P-1).

Counsel for the petitioner states that this Court while deciding CWP No.14213 of 2007 titled as 'Harjit Kaur Vs. State of Punjab and others, on 30.04.2008 has held that recovery of Dearness Allowance already paid cannot be recovered.

Counsel for the petitioner further states that the respondents have recovered a sum of ₹1,20,300/- from the petitioner on account of the payment of Dearness Allowance, which is not permissible in view of the decision rendered by this Court noticed above.

Counsel for the petitioner states that for claiming the said benefit i.e. refund of ₹1,20,300/-, petitioner has served the respondents with a legal notice on 13.11.2018 (Annexure P-2), 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 13.11.2018 (Annexure P-2) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

April 11, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No