

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14034 of 2019
Date of Decision : 24.05.2019

Kamla Devi

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Virinder K. Shukla, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that the benefits in respect of the service rendered by her late husband Sh. Nimi Chand, were released to her after unexplained and undue delay, therefore, she is entitled for interest.

From the facts mentioned in the writ petition, it transpires that after the death of Nimi Chand on 28.01.2006, certain benefits were released in favour of the petitioner. Meanwhile, one Manphuli Devi also came forward claiming the benefits in respect of the service rendered by Nimi Chand by claiming herself to be the wife of said Nimi Chand. She also filed a Civil Suit claiming the benefits, which was dismissed by the Civil Judge (Jr. Divn.), Moga on 21.04.2015 and the appeal filed by Manphuli Devi against the said order, was also dismissed on 14.07.2017 (Annexure P-3) and thereafter, the proceedings came to an end.

Learned counsel for the petitioner argues that after 14.07.2017 ,

there was no impediment in the release of the benefits to the petitioner but still the same were released only in March/July, 2018 i.e. after a delay of 8 months to one year for which the petitioner is entitled for interest.

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 demand notice dated 02.03.2019 (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 by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the relief claimed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 02.03.2019 (Annexure P-4) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to her within a period of next three months.

The writ petition stands disposed of.

May 24, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No