

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14937 of 2019
Date of Decision : 29.05.2019

Usha Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Sandeep Panwar, 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 though her late husband, namely, Shiv Kumar Sharma, had actually discharged the duties on the post of Sub Divisional Engineer on ad-hoc basis but while granting him the retrospective promotion, benefit of arrears were declined and it was stated that retrospective promotion will only be notional and will only be taken into consideration for computing the pensionary benefits and not the arrears.

Learned counsel for the petitioner states that in somewhat similar circumstances, the benefit of arrears of pay has already been extended to the petitioner in CWP No. 15794 of 2013 and as the husband of the petitioner was similarly situated, he should have also been extended the benefit of arrears.

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 legal notice dated 15.12.2018 (Annexure P-6) 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 15.12.2018 (Annexure P-6) 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 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*