

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

(231)

CWP-14028-2016

Date of Decision: May 08, 2019

Usha Rani and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Rana, Advocate, for the petitioners.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioners is that petitioners were not being released the benefit on account of the service rendered by the deceased husband of petitioner No.1 who was employed as S.S. Master with the respondents.

Upon notice of motion, the respondents have filed the reply wherein, it has been stated that the benefit for which the petitioners were entitled for, have already been released. The relevant portion of the reply is as under:-

“3. That in this regard, it is submitted that the husband of the petitioner No.1 was employed as a S.S. Master with National High School, Malerkotla (a Govt. added Private School). It is further submitted that after the death of the husband of petitioner No.1 was called for to put her (SIC) case for family pension and other benefits related to her husband's death. It is pertinent to mention here that after the necessary formalities, Office of the Director Public Instructions (SE) Punjab, at Punjab School Education has

sanctioned the case of family pension and Gratuity of the petitioner No.1 vide order No.18/01-2005 pen (2) 10172 dated S.A.S. Nagar: 11.07.2017 (appended as Annexure R-1). It is further submitted that pension and gratuity amount of Rs.2,65,251/- was released to the petitioner vide Bill No.202 dated 07.08.2017 (Annexure R-2). It is further submitted that the petitioner no. 2 is not entitled for job on compassionate ground as the deceased was employed in aided institution and there is no provision in Service Rules in this regard.

4. That it is further respectfully submitted that all the above said payments have been transferred through electronic mode in the bank account of the petitioner. Apart from this, the petitioner is getting her (SIC) regular monthly pension from concerned designated bank. It is further submitted that as of now, nothing remains payable to the petitioner.

5. That it is further submitted that no intentional delay has occurred in releasing pensionary benefits to the petitioner and whatever delay has occurred is a procedural one. Therefore, the petitioner is not entitled to the interest on delayed payment of his retiral benefits.

6. That since, as of now, in the humble understanding of the answering respondents, the grievance of the petitioner raised through the present writ petition stands redressed, therefore, the present writ petition of the petitioner has become infructuous and is liable to be dismissed.”

On the last date of hearing, learned counsel for the petitioners had taken time to enquire as to whether the petitioners have received the payment or not.

Today also, learned counsel for the petitioners states that he has not been able to contact the petitioners so as to seek instructions.

Once on an affidavit, the respondents have stated that all the benefits have been released to the petitioners, the same cannot be disputed. Still, in case, any benefit, for which the petitioners were entitled for and have not been released so far, the petitioners are at liberty to move an appropriate representation with the respondents seeking the same and in case any such representation is filed by the petitioners, the same will be decided expeditiously.

In view of the above, no further orders are required to be called for.

The present writ petition is disposed of having been rendered infructuous.

(HARSIMRAN SINGH SETHI)
JUDGE

May 08, 2019
harsha

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