

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

CWP-18368-2019

Date of decision: - 10.07.2019

Kiran Devi

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Nonish Kumar, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance which is being raised by the petitioner in the present writ petition is that punishment of stoppage of 15 annual increments with permanent effect was imposed upon her late husband, vide order dated 30.09.2004 (Annexure P-1). The said order was challenged by her husband by filing a CWP No.21509-2013. During the pendency of the said writ petition, unfortunately husband of the petitioner died in a road accident on 28.02.2016. After his death, the abovesaid writ petition, filed by the late husband of the petitioner, was decided by this Court on the basis of an affidavit dated 09.02.2018. In the said affidavit, the punishment imposed upon the petitioner was reconsidered and was modified to the effect that only two annual increments without temporary effect will be the punishment instead of stoppage of 15 annual increments

with permanent effect. This Court disposed of the writ petition to grant the financial benefits to the widow accruing of the said order without any delay. In pursuance of the order of this Court, the Superintendent of Police, Panipat passed an order dated 12.04.2018 (Annexure P-4) asking the Deputy Commissioner of Police, Panchkula to release the benefits in view of the modification of the punishment as well keeping in view the directions given by this Court while deciding CWP No.21509 of 2013, decided on 09.02.2018.

Counsel for the petitioner argues that despite the fact that more than 1½ years has elapsed, no benefit has been extended to the petitioner and the arrears of the salary are yet to be released to the petitioner. Counsel further argues that a direction needs to be issued to the respondents to release the benefits for which the petitioner has become entitled in view of the modification of the punishment.

Counsel for the petitioner submits that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 19.03.2019 (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 19.03.2019 (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 the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

July 10, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No