

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

**CWP No. 26706 of 2019  
Date of decision : 19.09.2019**

**Kamlesh Rani and others**

**....Petitioners**

**Versus**

**State of Punjab and others**

**.....Respondents**

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

Present:- Mr. Munish Puri, Advocate for the petitioners.

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**Harsimran Singh Sethi, J. (Oral)**

Learned counsel for the petitioners argues that after the death of husband of petitioner No. 1, namely, Lachhman Dass, the benefits for which she was entitled, have not been released to her without any valid justification. Further, claim of the petitioners is that the medical bills have also not been reimbursed by the respondents without any valid justification.

Learned counsel for the petitioners prays that a direction be issued to the respondents to release the pensionary benefits of the late husband of petitioner No. 1, namely, Lachhman Dass in respect of the service rendered by him in favour of the petitioners alongwith interest.

In the writ petition, petitioners have stated that previously, Lachhman Dass was married to another lady and his first wife died on 16.10.2002 and after the death of his first wife, Lachhman Dass got married

with petitioner No. 1 and from the first marriage, there are two children, respondent No. 5 (son) and respondent No. 6 (daughter) were born and after marriage of petitioner No. 1 with Lachhman Dass, two minor children, namely, Simranpreet and Harmanpreet were born.

Learned counsel for the petitioners states that respondents No. 5 and 6 are not entitled for the benefit of family pension being above 25 years of age but fairly admits that in respect of the benefit of gratuity, General Provident Fund, leave encashment and GIS, respondents No. 5 and 6 are also the legal heirs alongwith the petitioners.

Learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioner No. 1 has served the respondents with a legal notice dated 23.05.2019 (Annexure P-10), which is still pending consideration with the respondents and the petitioners 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 and the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 23.05.2019 (Annexure P-10) 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 No. 1 is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

In case, the department needs to ascertain any fact and before releasing any benefit to the petitioners, in case the petitioners are found

entitled, respondents No. 5 and 6 be also heard and their point of view be also noticed before passing any order granting the benefits to the legal heirs, who have become entitled for the benefits after the death of Lachhman Dass.

Writ petition stands disposed of accordingly.

**September 19, 2019**  
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**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

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