

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27538 of 2019

DATE OF DECISION:25.09.2019

Vidya Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that husband of the petitioner was working with the respondent department i.e. Municipal Council, Abohar and unfortunately he died while in service on 21.12.2018 and after the death, only ex-gratia amount has been released but all the other benefits have not been released by the respondents so far despite the fact that more than nine months have elapsed since the death of husband of the petitioner.

Counsel for the petitioner states that there is no valid justification with the respondents not to release the pensionary benefits in respect of the service rendered by the late husband of the petitioner as there were no proceedings, which were pending against the late husband of the petitioner either departmental or before any competent Court of law. Therefore, the respondents are under obligation to release all the benefits of the petitioner including

the family pension forthwith.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 19.07.2019 (Annexure P-2) 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 legal notice dated 19.07.2019 (Annexure P-2) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 19.07.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 19.07.2019 (Annexure P-2) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

September 25, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No