

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.29276 of 2019

DATE OF DECISION:14.10.2019

Ranjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Ghuman, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that the pay of the father of the petitioner was refixed by the respondents vide order dated 04.03.2016 and upon refixation, the father of the petitioner became entitled for arrears of salary but the arrears of salary are not being released to the petitioner, who is his son despite the fact that his father had executed a Will in his favour.

Learned counsel further argues that respondent No.8, who is the mother of the petitioner and wife of deceased Gian Singh, was living separately and keeping in view the Will, she is not entitled to receive the benefit of arrears as the arrears of salary are to be treated as the property of Gian Singh (deceased) and as per Will, petitioner inherits the same.

Counsel seeks a direction from this Court to the respondents to pay the petitioner, the benefits arising out of the order dated 04.03.2016 passed by the respondent-department refixing the salary of the late father of the petitioner.

Learned counsel for the petitioner states that for the relief

which has been claimed in the present writ petition, the petitioner has submitted representations dated 15.04.2019 and 15.09.2019 (Annexures P-8 and P-9 respectively) with the respondent No.3 and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the representations dated 15.04.2019 and 15.09.2019 (Annexures P-8 and P-9 respectively) 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 him in the representations dated 15.04.2019 and 15.09.2019 (Annexures P-8 and P-9 respectively), the present writ petition is disposed of with a direction to respondent No.3 to decide the representations dated 15.04.2019 and 15.09.2019 (Annexures P-8 and P-9 respectively) 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 on the representations, the same should also be paid to him within three months thereafter.

It is made clear that in case the version/statement of the mother of the petitioner i.e. respondent No.8 is also necessary for deciding the representations, the same shall also be taken into consideration by the respondents.

October 14, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No