

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.35896 of 2019 (O&M)
Date of decision : December 11, 2019

Pushpa

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raman B. Garg and Ms. Gitanjali Chhabra, Advocates
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the husband of the petitioner worked with the respondents starting from 01.03.1991 till he unfortunately died while in service on 25.12.2018.

Learned counsel for the petitioner states that in the year 2014 the services of the late husband of the petitioner were regularized by the respondents w.e.f. 28.05.2014 and therefore, once the husband of the petitioner was a regular employee on the date when he died, the service of the late husband of the petitioner with the respondents rendered on part time basis or otherwise, is liable to be taken into account as a qualifying service for calculating pensionary benefits or other benefits for which the petitioner became entitled for, keeping in view the law laid down by this Court in case of “*Kesar Chand vs State of Punjab and others*”, AIR 1988 Punjab 265.

The prayer of the petitioner is for issuance of a direction to the respondents to take into account the total length of the service which the late husband of the petitioner had rendered with the respondents for calculating the benefits, for which the petitioner became entitled for after the death of her husband.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served a legal notice dated 22.07.2019 (Annexure P-8) to the respondents, 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 representation by passing an appropriate speaking order in accordance with law.

In view of the above, 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 representation dated 22.07.2019 (Annexure P-8) 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.

(HARSIMRAN SINGH SETHI)
JUDGE

December 11, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No