

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

**CWP No.36058 of 2019 (O&M)
Date of decision : December 12, 2019**

Anjana Petitioner

Versus

**Haryana State Federation of Consumers
Co-operative Wholesale Stores Ltd. (Confed) Respondent**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dhiraj Chawla, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that retiral benefits in respect of the service rendered by late husband of the petitioner was withheld after he retired from service on attaining the age of superannuation on 31.08.2015 on the ground that the charge-sheets dated 03.12.2012 (Annexure P-1), 09.01.2013 (Annexure P-2) were pending against him. Further, one more charge-sheet after the retirement of late husband of the petitioner was served upon him on 21.03.2016.

Learned counsel for the petitioner argues that during the pendency of those charge-sheets, unfortunately the husband of the petitioner died on 22.03.2017 and as the delinquent employee has died, the charge-sheets automatically come to an end and therefore, the retiral benefits of the late husband of the petitioner, which were withheld by the respondents, are

liable to be released after his death. Prayer of the petitioner is for issuance of a direction to respondent No.1 for releasing all the pensionary benefits to the petitioner in respect of the service rendered by the late husband of the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has made representation dated 06.07.2019 (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 same by passing an appropriate speaking order in accordance with law.

Notice of motion.

Keeping in view the advance copy given, Ms. Jaspreet Kaur Somal, Advocate for Mr. Ashish Yadav, Advocate accepts notice on behalf of the respondents.

Counsel for the respondents states that the respondents have no objection in deciding the claim of the petitioner as being made by her in the representation dated 06.07.2019 (Annexure P-8) in a time bound manner by passing a speaking order as per the settled principle of law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.1 is directed to decide the representation 06.07.2019 (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 12, 2019

sarita	
Whether speaking / reasoned	Yes
Whether Reportable:	No