

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

**CWP No.36740 of 2019 (O&M)
Date of decision : December 18, 2019**

Om Vati Petitioner

Versus

The State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shalender Mohan, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Claim of the petitioner in the present writ petition is that the husband of the petitioner, who was in service of the respondents as Principal of the I.T.I., Tohana, retired from service on attaining the age of superannuation on 30.04.2017 and thereafter, unfortunately, died on 28.08.2017 but the pensionary benefits, for which the late husband of the petitioner was entitled to be released within a period of two months of his retirement, were not released by the respondents even when there was no impediment in release of the same.

Learned counsel for the petitioner further submits that the pensionary benefits in respect of the service rendered by the late husband of the petitioner were released in the month of April, 2019 and therefore, as there is delay of more than two years in the release of the pensionary benefits, which is attributable to the respondents, hence, the petitioner is entitled for the interest on the said delayed release of the pensionary benefits.

Learned counsel for the petitioner further submits that even upto now, the commutation of pension, for which the husband of the

petitioner was entitled, has not been released. The prayer of the petitioner is for issuance of a direction to respondent Nos.2 and 3 to grant the petitioner benefits of commutation of pension in respect of the service rendered by the late husband of the petitioner as well as interest on the delayed payments of the pensionary benefits in respect of the late husband of the petitioner.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served legal notice dated 15.08.2019 (Annexure P-10) upon 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 respondent Nos.2 and 3 to decide the same by passing an appropriate speaking order in accordance with 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 Nos.2 and 3 are directed to decide the legal notice dated 15.08.2019 (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 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 18, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No