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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10511/2018**
SMT. JANAK KUMARI

..... Petitioner

Through: Mr. Puneet Singhal, Adv.

versus

DELHI CANTONMENT BOARD, THROUGH: ITS CEO

..... Respondent

Through: Mr. T.S. Nanda, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.07.2019

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed before this Hon’ble Court that this Hon’ble Court may kindly be pleased to:

(a) Issue a Writ of Mandamus or any other suitable writ or direction thereby directing the Respondent to file statement of account regarding total actual payment to be made to the petitioner in the account of her bereaved brother Mukesh (Employee Code 1400);

(b) Issue a Writ of Mandamus or any other suitable writ or direction thereby directing the Respondent to release the due amount to the Petitioner is the nominee of her bereaved brother;

(c) Issue a Writ of Mandamus or any other suitable writ or

direction thereby directing the Respondent to initiate enquiry in the said lapse of delay in the payment of the due amount to the Petitioner within statutory period of 90 days of the death of the bereaved employee on 26.11.2017;

(d) Any other relief / order / direction as the Hon'ble Court may deem fit and proper."

A short affidavit has been filed by the respondent wherein they have stated that all benefits have been given except an amount of Rs.1,000/-, which has been withheld. Learned counsel for the respondent states that the said amount of Rs.1,000/- shall be paid to the petitioner within one week from today. The said statement is taken on record.

Learned counsel for the petitioner has drawn my attention to page 3 of the short affidavit filed by the respondent to contend that against provident fund, the petitioner has been paid only an amount of Rs.3,95,662/-, even though as per petitioner's calculation the amount is much more than that. That apart, he also states that the medical reimbursement of an amount of Rs.26,904/- has been made as against Rs.1.5 Lacs (approximately) without stating anything. Learned counsel for the petitioner states that no other payment is due and payable by the respondent.

Learned counsel for the respondent disputes that any further amount is payable under the head of provident fund / medical reimbursement.

Noting the said submission made by the learned counsel for the petitioner, I deem it appropriate to dispose of the writ petition by directing the petitioner to make a representation justifying the payment of amounts higher than what has been paid to her against provident fund and medical

reimbursement. The representation shall be considered by the respondent within a period of six weeks of the receipt of the same and reply thereof shall be sent to the petitioner. If any amount is payable, the same shall be released to the petitioner within four weeks thereafter.

The writ petition is disposed of.

V. KAMESWAR RAO, J

JULY 11, 2019*/aky*