

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2052 of 2020

Date of decision: 27.01.2020

Sita Devassar

.... Petitioner

versus

State of Punjab and another

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner argues that after the husband of the petitioner had retired from service, his gratuity and leave encashment was withheld by the respondents due to the pendency of certain proceedings and he was only paid provisional pension.

Learned counsel for the petitioner further argues that in the proceedings, which were pending against the husband of the petitioner, an order imposing the recovery has been passed, but before any action could be taken by the husband of the petitioner, he unfortunately died on 06.02.2019.

Learned counsel for the petitioners further argues that after the death of the husband of the petitioner, the petitioner is entitled for release of benefits, for which she became entitled to in respect of the service rendered by him with the respondent-Department of Food Civil Supplies and Consumer Affairs including the relief of family pension w.e.f the date the husband of the petitioner unfortunately died.

Prayer of the petitioner is that a direction may be issued to the respondents to release all the benefits, for which the petitioner is entitled to including the family pension alongwith arrears.

Learned counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 18.02.2019 but, inadvertently, the copy of the same has not been attached with the present writ petition, though, the averments in this regard have been made by him in paragraph-8 of the writ petition. He further states that the said legal notice 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 respondent No.2 to decide the same.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, the respondent No.2 is directed to decide legal notice dated 18.02.2019 served by the petitioner by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

27.01.2020
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |