

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 3761 of 2020

Date of Decision : 12.02.2020

Tej Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pawan Kumar Goklaney, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that husband of the petitioner retired on attaining the age of superannuation on 30.11.2004. At the time of the retirement, there was a charge-sheet pending against the husband of the petitioner in respect of the allegation of irregularities committed by him during the service career. Due to the pendency of the charge-sheet, retiral benefits were withheld. Before the charge-sheet could be taken to the logical end by the department, husband of the petitioner, unfortunately died on 30.04.2017.

The claim of the petitioner is that after the death of her husband, no proceeding can be undertaken by the respondents and, therefore, the charge-sheet, which was pending against her late husband due to which, the pensionary benefits in respect of the service rendered by her

late husband were withheld, automatically stands dropped keeping in view the Instructions dated 23.06.1992 (Annexure P-1) hence, petitioner is entitled for the release of the retiral pension and other retiral benefits. The prayer of the petitioner is for issuance of a direction to the respondents to release all the benefits to her in respect of the service rendered by her late husband and family pension after her the husband died on 30.04.2017.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 09.09.2019 (Annexure P-2), 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 No. 2 to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 2 is directed to decide the legal notice dated 09.09.2019 (Annexure P-2) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

February 12, 2020
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No