

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

CWP No.7929 of 2020 (O&M)

Date of decision : June 09, 2020

Anita Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puneet Kumar Bansal, Advocate for the petitioner

HARSIMRAN SINGH SETHI J. (ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

In the present writ petition, the grievance of the petitioner is that the benefits in respect of the service rendered by the late husband of the petitioner, namely, Dinesh Kumar, who unfortunately died on 03.05.018 while working as a Peon (though, wrongly mentioned as Safai Sewak in the petition) with respondent No.3-Municipal Council, Ferozepur, has not been released to her by the respondents and that too without any valid justification.

Learned counsel for the petitioner argues that approximately more than two years have elapsed since Dinesh Kumar, husband of the petitioner has died but the respondent-Municipal Council, Ferozepur, is sitting over the matter and is not releasing the pensionary benefits for which the petitioner is entitled being legal heir that too without any valid justification. Prayer of the petitioner is for issuance of a direction to respondent No.3 to immediately release all the benefits along with interest, for which the petitioner is entitled in respect of the service rendered by her late husband, namely, Dinesh Kumar with the respondent-Municipal Council, Ferozepur.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served upon the respondents a legal notice dated 18.03.2020 (Annexure P-1), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, if a time bound direction is issued to respondent No.3 to decide the same by passing an appropriate speaking order in accordance with law.

Notice of motion.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab, who has also joined proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the State and raises no objection in deciding the claim of the petitioner as being made in the legal notice dated 18.03.2020 (Annexure P-1) 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 on the claim being made by the petitioner in legal notice dated 18.03.2020 (Annexure P-1), respondent No.3 is directed to decide the legal notice dated 18.03.2020 (Annexure P-1), by passing a speaking order within a period of two months from the date of receipt of copy of this order. In case the petitioner is found entitled for any monetary benefits, the same be released to her in two months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

June 09, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No