

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

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CWP-11275-2020

Decided on : 05.08.2020

Surjit Kaur

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.M.S.Sarao, Advocate, for the petitioner.

Ms.Sudeepti Sharma, Addl.AG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of direction to count the daily wage service as SPO rendered by the husband of the petitioner who died in harness, before regularisation as Constable as qualifying service for the purposes of pensionary/retiral benefits.

The said prayer is based on the judgment passed by the Division Bench of this Court in CWP-2371-2010 titled Harbans Lal Vs. State of Punjab & others, decided on 31.08.2010 (Annexure P-5) to claim the pensionary benefits. Reliance has also been placed upon the judgment passed in CWP-24472-2015 titled Constable Rajesh Kumar & others Vs. State of Punjab & others, decided on 07.01.2016 (Annexure P-6).

It is the case of counsel for the petitioner that legal notice dated 20.07.2020 (Annexure P-4) has already been served upon the respondents but to no avail.

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Notice of motion.

Ms.Sudeepti Sharma, Addl.A.G., Punjab accepts notice on behalf of the respondents.

Keeping in view the above facts and the fact that only the legal notice is sought to be decided on account of the fact that husband of the petitioner had been appointed on 01.11.1993 as Special Police Officer and subsequently selected as Constable on 31.10.2006. The relief is sought since he expired on 17.03.2020. Since the decision making process is still awaited, no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, the present writ petition is disposed of with the direction to respondents No.2 & 3 to decide the said legal notice dated 20.07.2020 (Annexure P-4), within a period of 2 months from today. In case the petitioner is found entitled for the said benefits, the same be paid to her within a period of one month thereafter. In case there is any legal impediment in granting the said relief, the concerned respondents shall pass a speaking order and convey the same to the petitioner, forthwith.

AUGUST 05, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No