

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CWP No. 13962 of 2020

Date of Decision: 9.9.2020

Kiran Bala

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. B.S.Mittal, Advocate
for the petitioner**

Rekha Mittal, J.

The petitioner has approached this Court for issuance of writ of mandamus directing the respondents to release the service benefits on account of death of her husband.

Counsel for the petitioner would argue that Sh. Komal Krishan, husband of the petitioner was working as Sanitary Inspector in Municipal Council, Nakodar, District Jalandhar who died in a road accident on 29.1.2010. It is further submitted that the department has paid an amount of Rs. 1,71,000/- towards gratuity and Rs. 1,00,000/- towards ex-gratia but since husband of the petitioner had more than 10 years of service to his credit, petitioner is entitle to full amount of gratuity under The Payment of Gratuity Act, 1972 and is also entitle to other benefits. He would inform that legal notice dated 15.1.2020 (Annexure P-1) has been issued but till date the authorities have not taken any decision thereon. He would pray that a direction may be issued to respondent No. 3 for decision on the legal

notice within a stipulated period.

Ms. Akshita Chauhan, AAG, Punjab caused appearance on behalf of respondents No. 1 and 2 and would concede that initially decision on the legal notice is to be taken by the Executive Officer, Municipal Council, Nakodar.

Without examining merits of the case, the petition stands disposed of with a direction to respondent No. 3 to take a final decision in respect of legal notice dated 15.1.2020 within a period of 45 days from the date of receipt of certified copy of the order, to be conveyed by the petitioner to the authorities concerned. In case, the petitioner is found entitle to the benefits claimed in the legal notice, the same shall be released in her favour within a period of 45 days thereafter.

(Rekha Mittal)
Judge

9.9.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No