

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CWP No. 4489 of 2018

Date of Decision : 21.01.2020

Kuljeet Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the claim of the petitioner is that the retiral benefits in respect of the service rendered by her late husband, namely, Netar Singh, who retired from service on attaining the age of superannuation on 30.09.2015, be released by the respondents forthwith.

As per the averments made in the writ petition, Sh. Netar Singh, joined the department of Rural Development and Panchayats on 07.11.1978 as a Senior Assistant (Accounts). He remained working as such during his service career. In the year 2014, when the husband of the petitioner was posted as a Senior Assistant (Accounts) in the Office of District Development and Panchayat Officer, Roopnagar, he fell ill and could not perform his duties from 02.04.2014 till 30.07.2014. Thereafter again, due to the illness, Sh. Netar Singh did not perform his duties from November, 2014

till 10.09.2015.

On 01.09.2015, Sh. Netar Singh was suspended and during the period of suspension, Sh. Netar Singh attained the age of superannuation and retired from service on 30.09.2015. Thereafter, unfortunately, Sh. Netar Singh died on 31.12.2016 awaiting the release of his pensionary benefits.

As the pensionary benefits in respect of Sh. Netar Singh were not being released, present writ petition has been filed by the petitioner seeking direction from this Court for release of the pensionary benefits in respect of the service rendered by her late husband, Sh. Netar Singh.

Upon notice of motion, respondents have filed the reply. In the reply, they have stated that Sh. Netar Singh was un-authorisedly absent from duties from 02.04.2014 to 31.07.2014 and thereafter, once again from November, 2014 till 10.09.2015 and for the said unauthorized absence, Sh. Netar Singh was placed under suspension before his superannuation. Though, in the reply, it has been stated that the enquiry proceedings were pending when Sh. Netar Singh, unfortunately, died on 31.12.2016 but no such detail has been furnished in the reply by the respondents.

In the reply, it has been further stated that after the death of Sh. Netar Singh, the enquiry proceedings abated and the petitioner was asked to submit the succession certificate and due to non-furnishing of the same, the pensionary benefits could not be released to the petitioner, though, the absence period of Sh. Netar Singh had already been treated as a leave of kind due by the competent authority.

Learned counsel for the petitioner states that after filing of the writ petition, in October, 2019 the succession certificate had already been

submitted to the competent authority but still, the pensionary benefits in respect of the service rendered by Sh. Netar Singh had not been released to the petitioner so far.

Learned counsel for the respondents states that in case, the succession certificate had already been submitted by the petitioner during the pendency of the writ petition, appropriate order releasing the pensionary benefits in respect of the service rendered by Sh. Netar Singh will be passed within a period of two months from the date of receipt of certified copy of this order. The benefits for which the petitioner, being the legal heir of Sh. Netar Singh, is found entitled to in respect of the service rendered by Sh. Netar Singh, will be released to him within a period of one month thereafter.

Learned counsel for the petitioner states that keeping in view the undertaking given by the learned counsel for the respondents for releasing the pensionary benefits within a period of three months, petitioner does not press this writ petition any further and the same may be disposed of having been not pressed at this stage.

Ordered accordingly.

It is made clear that the respondents will be bound by their undertaking recorded above.

January 21, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No