

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108 - CWP-360-2021 (O&M)

Date of Decision: 08.01.2021

Swaranjit Kaur

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Nakul Sharma, Advocate for the petitioner

Ms. Maloo Chahal, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

The petitioner Swaranjit Kaur who is stated to be aged 45 years has filed the present writ petition *inter alia* with a prayer seeking a direction to the respondents to release the pensionary benefits and other admissible service benefits in respect of Mukhtiar Singh who died on 21.03.2019, including family pension as well as amount of gratuity and other retiral benefits from the due date till the date of realization of actual payment along with interest.

Learned counsel based upon the pleadings in the petition submits that the husband of the petitioner, namely, Mukhtiar Singh unfortunately died on 21.03.2019. In para 5 of the petition, it has been specifically pleaded that the SSP, SBS Nagar (Nawanshahr) had sanctioned/ordered provisional pension for 6 months to the petitioner @ Rs.10,343/- w.e.f. 22.03.2019 to 21.09.2019. He submits that as per law, all the proceedings are liable to abate on the death of her husband and therefore, merely on ground of pendency of FIR(s), her pensionary benefits could not be stopped/withheld.

Learned counsel further submits that for the same/similar grievance as made in the present petition, the petitioner had got served a legal notice dated 01.12.2020 (P5) upon the respondents.

Notice of motion.

On the asking, Ms. Maloo Chahal, DAG Punjab accepts notice on behalf of the respondents. She points out that as per the pleadings in the petition and even the legal notice is in fact addressed to SSP, SBS Nagar whereas the said authority has not been impleaded as respondent.

Learned counsel for the petitioner makes an oral request to implead the SSP, SBS Nagar as party respondent No.4. The oral request of learned counsel for the petitioner is accepted and the SSP, SBS Nagar is ordered to be impleaded as party respondent No.4. Registry is directed to carry out necessary amendment in the memo of parties.

Having heard learned counsel for the parties and without commenting upon the merits of the case, the writ petition is disposed of with a direction to respondent No.4 to decide the legal notice (P5) of the petitioner and in case the petitioner is found entitled for the release of pensionary benefits, the same be released forthwith maximum within 2 months from today.

Disposed of.

08.01.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No