

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

Sr.No.107

CWP No.6010 of 2021

Date of Decision: 16.03.2021

Gurmit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ashok Giri, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, the petitioner has approached this Court for seeking the relief of issuance of a writ in the nature of certiorari setting-aside the reply to her legal notice (Annexure P-6) whereby the service benefits, admissible to her on account of the death of her husband, have been denied to her and she has further prayed for issuance of a writ in the nature of mandamus directing the respondents to release the entire service benefits of her husband (since deceased) to her along with the interest thereon @ 18% per annum and also to consider the appointment of her ward on compassionate ground and has averred that her husband was posted as Home Guard at Ajnala and he passed away on 05.05.2018 in harness. Though her husband Satnam Singh was earlier married to one Bir Kaur but he had divorced her 15 years ago and

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thereafter, he had married her (petitioner). She moved a representation dated 14.03.2019 to the respondents to claim the service benefits of her deceased husband but in vain. Thereafter, she served a legal notice to the respondents on 08.04.2019 and vide reply thereto, the respondents have rejected her claim for the said benefits on the ground that she is not the wife of deceased Satnam Singh and rather, one Bir Kaur @ Biro is his widow. Now, she has moved a fresh representation (Annexure P-10) to the respondents intimating therein that presently, Bir Kaur is the wife of one Sawinder Singh but however, the said representation has not yet been decided.

Ms. Kanica Sachdeva, AAG, Punjab, has joined the proceedings on behalf of all the respondents in this case, in pursuance of the copies of this petition having been sent to the respondent-State in advance.

Heard.

Learned counsel for the petitioner submits that the petitioner would be satisfied in case a direction is issued to respondent No.6 to consider and decide her said application/representation (Annexure P-10), within some specific time-frame.

Learned State counsel has no objection for the same.

Keeping in view the above-discussed limited prayer of learned counsel for the petitioner and without commenting upon the merits of the matter in hand, the instant writ petition is hereby disposed of with a direction to respondent No.6-Company Commandant, Punjab

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Home Guards, Ajnala, District Amritsar Rural, to consider and decide the said application/representation of the petitioner (Annexure P-10) in accordance with the relevant rules/instructions/law/policy, by passing a speaking order thereon, within a period of three months from the date of receipt of the certified copy of this order. It is further directed that in case, the petitioner is found to be entitled to get the benefits as claimed in this petition, the same be released to her within a period of three months thereafter.

This petition stands disposed of accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

16.03.2021
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No