

(In virtual Court)

CWP No.13876 of 2021 (O&M)

Date of Decision: 28.07.2021

Shakuntla Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K. Malik, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari to the extent of fixing last drawn pay by taking Rs.16580/- as basic pay despite the fact that deceased/husband of the petitioner was drawing last salary as Rs.19550/- as basic pay and further quashing fixation of pay for compassionate assistance from 27.09.2008 to 01.01.2016 and family pension since 27.11.2020 to till date by taking Rs.16580/- as basic pay instead of Rs.19550/-, as even the compassionate assistance in revised 7th pay commission i.e. 01.01.2016 to 27.11.2020 was fixed by taking Rs.19550/- as basic pay. It is further prayed that the respondents be directed to consider the case of the petitioner and take the final decision on the legal notice of the petitioner dated 16.05.2021 (Annexure P-7) by passing a well reasoned speaking order within a time bound frame.

At the outset, counsel for the petitioner submits that, at this stage, the petitioner would be satisfied if the respondents take a conscious decision on the legal notice of the petitioner dated 16.05.2021 (Annexure P-7) and pass a speaking order thereon, within a time bound frame.

Notice of motion.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana accepts notice on behalf of the respondents. Even counsel for the respondents is not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present petition is disposed of with a direction to respondent No.2 to decide the legal notice of the petitioner dated 16.05.2021 (Annexure P-7) and take a conscious decision thereon by passing a speaking order; within a period of three months from the date of receipt of the certified copy of this order.

It is further ordered that if the petitioner is found entitled to any pecuniary benefits upon such a conscious decision; then the said pecuniary benefits shall also be released to the petitioner within a further period of three months; from the date of such conscious decision of the authorities.

(RAJBIR SEHRAWAT)
JUDGE

28.07.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No