

115 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5447-2022

Date of Decision: 05.04.2022

Charanjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravish Bansal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that though in the present petition, the prayer made by the petitioner is for the release of leave encashment and other pensionary benefits of her late husband, namely Tara Singh, but keeping in view the fact that her late husband was suspended from service on 18.07.2013 due to conviction in FIR No.26, dated 04.09.2008, which conviction is still pending consideration before this Court in the form of an appeal preferred by her late husband, the petitioner at this stage is only pressing for the release of the amount of General Insurance Scheme as well as arrears of the salary, for which her late husband was entitled for prior to the passing of the order suspending his service.

Learned counsel for the petitioner submits that the same grievance has already been raised by the petitioner before the authorities concerned vide legal notice dated 09.09.2021 (Annexure P-3) and in reply to the said legal notice, the respondents have submitted that as the late

husband of the petitioner was convicted and thereafter suspended from his services, therefore, no pensionary benefits can be awarded in his favour. Learned counsel further submits that apart from the pensionary benefits of the late husband of the petitioner, her claim is also for arrears of the salary for the period for which her late husband had worked as well as the amount of General Insurance Scheme, which cannot be withheld by the respondents even after the suspension of services of her late husband, and therefore, the respondents may kindly be directed to decide the said legal notice dated 09.09.2021 (Annexure P-3) in a time bound manner by passing an appropriate speaking order.

Notice of motion.

Ms. Anju Kaushik Sharma, DAG, Punjab, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and submits that claim of the petitioner for the release of arrears of the salary and General Insurance Scheme amount, if any, of her late husband will be considered and the same will be decided in a time bound manner by passing an appropriate speaking order and in case anything is found admissible to the petitioner, the same will also be released in her favour within a period of four months thereafter.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the legal notice dated 09.09.2021, this petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the legal notice dated 09.09.2021 (Annexure P-3), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for any

benefit, the same be also released in her favour within a period of four weeks thereafter.

05.04.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No