

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120(2)

CWP-7564-2022

Date of Decision :08.04.2022

Gurtej Kaur

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deshpreet Singh, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though, the husband of the petitioner, who was working with respondent No.3-Fazilka Co-operative Sugar Mills Limited died on 03.02.2020 while in service but, the pensionary benefits, for which, the petitioner has become entitled on account of service rendered by her late husband including gratuity, leave encashment and other service benefits including salary are not being released by the respondents and that too without any valid justification. Learned counsel for the petitioner submits that as per the judgment of the Full Bench of this Court in **A. S. Randhawa vs. State of Punjab 1997(3) SCT 468**, the pensionary benefits of the employee are to be released within a period of two months from the date of his/her retirement in case there is no impediment in the release of the same. Learned counsel for the petitioner further submits that though, in the present case, there is no impediment for the release of the pensionary benefits, for which, the petitioner has become entitled on account of service rendered by her late husband but, even after

expiry of more than two years of the retirement, the benefits are not being released by the respondents. Prayer of the petitioner is for issuance of a direction to the respondents to release all the pensionary benefits for which, the petitioner has become entitled on account of service rendered by her late husband forthwith.

Learned counsel for the petitioner further submits that for the relief, which is being claimed in the present writ petition, the petitioner has already served the respondents with a legal notice dated 14.03.2022 (Annexure P/2), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondent No.3 to decide the said legal notice by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner in legal notice dated 14.03.2022 (Annexure P/2), respondent No.3 is directed to decide legal notice dated 14.03.2022 (Annexure P/2) submitted by the petitioner by passing a speaking order within a period of eight weeks from the date of receipt of a copy of this order.

Present writ petition stands disposed of.

April 08, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No