

134

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

CWP-10250-2022

Date of Decision: 13.05.2022

Khajani Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rinky Gupta, Advocate, for
Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that husband of the petitioner unfortunately died on 31.12.2014 and after his death, no benefits in respect of the services rendered by him have been extended in favour of the petitioner by the respondents, only on the ground that the petitioner's late husband was facing the criminal proceedings in FIR No.8, dated 19.05.1993, registered against him under Section 7 of the Prevention of Corruption Act, 1988, in respect of which allegations later on, he was dismissed from the service.

Learned counsel for the petitioner further argues that the Provident Fund (employee's share) cannot be retained by the respondents, even after dismissal of the petitioner's late husband from the service, as the said Provident Fund was deducted from the salary admissible to him, and therefore, the said benefit of Provident Fund is liable to be released in favour of the petitioner by the respondents, which is being withheld by them

for the last more than seven years, along with the interest on the said delayed payments.

Learned counsel for the petitioner submits that the same grievance has also been raised by the petitioner before the respondents by serving legal notice dated 10.12.2021 (Annexure P-2), which is still pending consideration with the authorities concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.3 to decide the said legal notice dated 10.12.2021, by passing an appropriate speaking order.

Notice of motion.

Mr. Narender Singh Behgal, AAG, Haryana, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 10.12.2021 (Annexure P-2) in a time bound manner is accepted.

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 10.12.2021 (Annexure P-2), this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on the legal notice dated 10.12.2021 (Annexure P-2), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order.

13.05.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

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